

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. TILSON. Mr. Speaker, I move now that the House stand in recess until 9.30 o'clock to-morrow morning.

The SPEAKER. The gentleman from Connecticut moves that the House do now stand in recess until 9.30 o'clock to-morrow morning. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p. m.) the House stood in recess until to-morrow, Friday, March 4, 1927, at 9.30 o'clock a. m.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Labor (Rept. No. 2302). Ordered to be printed.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Treasury Department (Rept. No. 2304). Ordered to be printed.

Mr. JAMES: Committee on Military Affairs. A report on sundry bills relating to the Muscle Shoals project without amendment (Rept. No. 2303). Referred to the House Calendar.

Mr. WHEELER: Committee on Military Affairs. H. R. 12107. A bill to authorize the Secretary of War to accept conveyance of the cemetery at the New York State Soldiers' and Sailors' Home to the United States, and for other purposes, with amendment (Rept. No. 2308). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. S. 4977. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of Vancouver Barracks Military Reservation, in the State of Washington; without amendment (Rept. No. 2309). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPMAN: A bill (H. R. 17398) granting the consent of Congress to the Boonesboro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kentucky River; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNING: A bill (H. R. 17399) to abolish the Children's Bureau; to the Committee on Education.

By Mr. SEARS of Florida (by request): A bill (H. R. 17400) to prohibit the importation into the United States of immature oranges and grapefruit; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVENPORT: A bill (H. R. 17401) to improve the navigability of the Colorado River by securing regularity of flow, by protecting and developing the lower Colorado River Basin, by providing flood control, and by protecting the Colorado River in its present or future channel; also to aid in the reclamation of the public lands of the United States, to prevent controversy between the States in the Colorado Basin, and creating the Colorado River authority with powers and duties enumerated herein as a means or instrumentality for carrying out such purposes and effectuating such ends and making such improvements self-sustaining and self-paying; to the Committee on Irrigation and Reclamation.

By Mr. BAILEY: A bill (H. R. 17402) to establish the Federal investment bank system, to provide for the purchase of drainage, reclamation, and irrigation bonds, to amend the Federal farm loan act, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. PARKER: A bill (H. R. 17403) to promote the unification of carriers engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER: A bill (H. R. 17404) for the purpose of setting up a tribunal for the discipline of United States district judges when such discipline may be necessary; to the Committee on the Judiciary.

By Mr. BURTON: A bill (H. R. 17405) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. McSWEENEY: A bill (H. R. 17406) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United

States, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; to the Committee on Agriculture.

By Mr. BRAND of Ohio: Joint resolution (H. J. Res. 378) to adopt an official flag code of the United States; to the Committee on the Judiciary.

By Mr. CONNALLY of Texas: Resolution (H. Res. 451) requesting that the embargo on the shipment of arms from the United States to the Republic of Mexico should not be lifted by the Department of State; to the Committee on Foreign Affairs.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Pennsylvania, urging Congress to repeal immediately the Federal estate tax provisions of the revenue law effective February 26, 1926, and vacate this field of taxation in time of peace; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SWEET: Resolution (H. Res. 452) authorizing additional compensation to the clerk of the Committee on Invalid Pensions; to the Committee on Accounts.

#### SENATE

FRIDAY, March 4, 1927

(Legislative day of Wednesday, March 2, 1927)

The Senate reassembled at 8.30 o'clock a. m., on the expiration of the recess.

#### INVESTIGATION OF CAMPAIGN EXPENDITURES

The Senate resumed the consideration of Senate Resolution 364, continuing during the Seventieth Congress Senate Resolutions 195, 227, 258, and 324, relative to senatorial campaign expenditures, and enlarging the authority of the special committee.

#### SECOND DEFICIENCY APPROPRIATION BILL

Mr. WARERN. I move to take up House bill 17291, the second deficiency appropriation bill.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Frazier	McMaster	Robinson, Ark.
Blease	George	Mayfield	Robinson, Ind.
Bratton	Goff	Means	Sackett
Bruce	Gooding	Metcalf	Sheppard
Cameron	Greene	Moses	Shipstead
Capper	Hale	Norbeck	Shortridge
Caraway	Harrison	Norris	Smith
Copeland	Heflin	Nye	Smoot
Curtis	Howell	Oddie	Stephens
Deneen	Johnson	Overman	Tyson
Dill	Jones, Wash.	Pepper	Wadsworth
Edge	Kendrick	Phipps	Walsh, Mont.
Ernst	Keyes	Pine	Warren
Ferris	Lenroot	Pittman	Watson
Fess	McKellar	Reed, Mo.	Willis
Fletcher	McLean	Reed, Pa.	

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present.

Mr. ROBINSON of Arkansas. Mr. President, I suggest that the motion of the Senator from Wyoming is not in order.

The VICE PRESIDENT. The point of order is well taken.

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the second deficiency appropriation bill, and that we consider it until half past 9, and vote on it at that time.

Mr. REED of Missouri. Add to that, "and that immediately thereafter we shall vote on the pending resolution."

Mr. REED of Pennsylvania. That is objected to.

Mr. ROBINSON of Arkansas. Was there objection?

The VICE PRESIDENT. Objection was made by the Senator from Pennsylvania.

Mr. CURTIS. Mr. President, do I understand that the Senator from Missouri objects to unanimous consent for the consideration of the deficiency appropriation bill unless the resolution is attached to it?

Mr. REED of Missouri. Yes.

EXPORT OF FINISHED MANUFACTURES AND IMPORT OF CRUDE MATERIALS (S. DOC. NO. 247)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, reporting, in response to Senate Resolution 337, relative to what means, if any, are being used to stimulate the export of finished manufactures and the import of crude materials, which, with the accompanying papers, on motion of Mr. NYE, was ordered to lie on the table and to be printed.

EXPORTS OF FARM PRODUCTS (S. DOC. NO. 246)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture in response to Senate Resolution 356, reporting relative to the export trade in farm products, which, with the accompanying papers, on motion of Mr. NYE, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

SURPLUS WAR MATERIALS FOR ROAD BUILDING

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,  
Washington, March 4, 1927.

THE PRESIDENT OF THE SENATE.

SIR: Under section 7 of the act of February 28, 1919 (40 Stat. 1200), and subsequent enactments, this department has distributed to the several State highway departments, for use in road building, surplus war materials approximating \$224,800,000 in value. The distribution has been a tremendous salvaging operation and has undoubtedly brought a greater return to the public than would have been possible under any other plan of disposal.

In addition to the material distributed to the State highway departments, surplus approximating \$27,000,000 in value has been transferred to Government agencies, and explosives to the value of \$8,700,000 have been distributed to farmers for land clearing.

Following advice from the Secretary of War that no further surplus would become available, our organization handling the work has been practically disbanded and the distribution, with the exception of explosives, concluded.

Respectfully,

W. M. JARDINE, *Secretary.*

CLAIMS OF MEMBERS OF THE SIOUX TRIBE

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 13503) authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRAZIER. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives on the bill and amendment, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McMASTER, Mr. KENDRICK, and Mr. FRAZIER conferees on the part of the Senate.

REGULATION OF TOLLS OVER RED RIVER BRIDGES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3889) to authorize the Railroad Commission of Texas and the Corporation Commission of Oklahoma to regulate tolls charged for transit over certain bridges across the Red River, which were to strike out all after the enacting clause and insert:

That when tolls are charged for the transit over any highway bridge across the Red River between the States of Oklahoma and Texas of persons, animals, cars, vehicles, or other property, such tolls shall be just and reasonable, and the Secretary of War shall upon complaint, or may upon his own initiative without complaint, and after notice and hearing, at any time and from time to time prescribe the just and reasonable rates of toll for such transit over such bridges, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit

And amend the title so as to read: "An act to regulate tolls charged for transit over highway bridges across the Red River between the States of Oklahoma and Texas."

Mr. MAYFIELD. I move that the Senate concur in the amendments of the House.

Mr. REED of Missouri. Will that displace the unfinished business?

The VICE PRESIDENT. It will not. None of these messages will displace the unfinished business. The question is on the motion of the Senator from Texas.

The motion was agreed to.

PETITIONS AND MEMORIALS

Mr. JONES of Washington presented the following joint memorial of the Legislature of the State of Washington which was referred to the Committee on the Judiciary:

DEPARTMENT OF STATE, OLYMPIA.

House Joint Memorial No. 3

To the honorable House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the House of Representatives and the Senate of the State of Washington, in legislative session assembled, most respectfully represent and pray as follows:

Whereas under our present Constitution the President, Senators, and Representatives take up their duties many months after the day of election; and

Whereas the provisions of the Constitution herein sought to be amended are antiquated and unworkable under modern conditions to such an extent as to be, in some cases, a positive menace to the best welfare of the Nation; and

Whereas the Senate has seen fit to offer and pass a constitutional amendment known as the Norris amendment, providing that such officers shall take office promptly after election and have sent the same to the House: Therefore, be it

*Resolved*, That we, your memorialists, do earnestly and respectfully pray that the House of Representatives will take similar action at the earliest possible date and present the same to the legislatures of the various States for their adoption; and be it further

*Resolved*, That the secretary of state, under the seal of the State of Washington, transmit to the Senate and the House of Representatives of the United States at Washington, D. C., and to each Senator and Congressman from the State of Washington, and to the legislature of each of the several States a full, true, and correct copy of this joint memorial.

Passed the house January 26, 1927.

RALPH R. KNAPP, *Speaker of the House.*

Passed the senate February 3, 1927.

W. LOX JOHNSON, *President of the Senate.*

STATE OF WASHINGTON,  
County of Thurston, ss:

I, J. Grant Hinkle, secretary of state of the State of Washington, do hereby certify that the foregoing is a full, true, and correct copy of House Joint Memorial No. 3 as passed by the twentieth session of the Legislature of the State of Washington.

Done at Olympia this 14th day of February, 1927.

[SEAL.]

J. GRANT HINKLE,  
*Secretary of State.*

Mr. SHIPSTEAD presented the following concurrent resolution of the legislature of the State of Minnesota, which was referred to the Committee on Interstate Commerce:

Concurrent resolution memorializing Congress of the United States to amend the transportation act of 1920 sufficiently to restore to the State of Minnesota general jurisdiction over its intrastate railroad rates

Whereas there has prevailed in the State of Minnesota since 1913 a policy of railroad-rate making pursuant to legislative enactments, known as the "distance scale" of railroad freight rates; and

Whereas the State of Minnesota has deemed it of the best interest to all of its citizens and communities to prohibit discriminations and preferences by requiring railroads to publish rates on the basis of a like charge for a like distance for a like class of traffic; and

Whereas the Interstate Commerce Commission of the United States, acting upon applications filed pursuant to the Federal transportation act of 1920, has issued orders in the so-called Watertown and Fargo cases, authorizing the rail carriers to publish and charge rates for the carrying of freight between points within the State of Minnesota on the basis of different charges for equal distances on class traffic; and

Whereas such orders of the Interstate Commerce Commission have created unjust discriminations against and undue preference of persons and localities within the State of Minnesota, to the detriment and disadvantage of such persons and localities; and

Whereas it has been held by the Supreme Court of the State of Minnesota that the railroad and warehouse commission of this State is without authority to order the removal of such discriminations existing between persons and localities within the State of Minnesota; and

Whereas the railroad and warehouse commission is under injunction of the United States District Court for the District of Minnesota, prohibiting said commission from interfering with the different scales of rates on class traffic published and charged by the railroads under authority of said orders of the Interstate Commerce Commission; and



Whereas by reason of said orders of the Interstate Commerce Commission there has been created and now exists within the State of Minnesota three different scales of rates for movement of class traffic between points within the State of Minnesota over like distances; and

Whereas the scale of rates on class traffic maintained by the railroads for movement of freight between points within the State of Minnesota prior to the issuance of said orders by the Interstate Commerce Commission were rates which were found by the Supreme Court of the United States in the Minnesota rate cases to be not confiscatory, as increased and decreased by the Minnesota railroad and warehouse commission pursuant to recommendations of the Interstate Commerce Commission in proceedings affecting the general level of rates throughout the western district, and also the order of the Director General of Railroads No. 28; and

Whereas such scale of rates published by the railroads for the movement of class traffic within the State of Minnesota as authorized by the railroad and warehouse commission was never the subject of an application for increase by the railroads to either the railroad and warehouse commission of the State of Minnesota or the Interstate Commerce Commission prior to said orders of the Interstate Commerce Commission: Therefore be it

*Resolved by the Senate of the State of Minnesota (the House concurring), That the Senate and House of Representatives of the United States of America be, and hereby is, earnestly requested to immediately amend the transportation act of 1920 so as to restore to the State of Minnesota general jurisdiction over its intrastate railroad rates, so as to prevent the creation by orders of the Interstate Commerce Commission of intrastate discriminations and preferences in cases affecting the level of intrastate rates.*

JOHN A. JOHNSON,  
*Speaker of the House of Representatives.*  
W. I. NOLAN,  
*President of the Senate.*

Passed the house of representatives the 25th day of February, 1927.

JOHN I. LEVIN,  
*Chief Clerk House of Representatives.*  
Passed the senate the 1st day of March, 1927.

GEO. W. PEACHEY,  
*Secretary of the Senate.*  
Approved, March 1, 1927.

THEODORE CHRISTIANSON,  
*Governor.*  
Filed March 1, 1927.

MIKE HOLM,  
*Secretary of State.*  
I, Mike Holm, secretary of the State of Minnesota and keeper of the great seal, do hereby certify that the above and foregoing is a true and correct copy of the resolution filed in my office March 1, 1927.

[SEAL.]  
MIKE HOLM,  
*Secretary of State.*

Mr. ERNST presented a petition of sundry citizens of the State of Kentucky, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

#### REPORTS OF COMMITTEES

Mr. MEANS, from the Committee on Claims, to which was referred the bill (S. 5617) for the relief of the city of New York, reported it without amendment and submitted a report (No. 1710) thereon.

He also, from the same committee, to which was referred the bill (H. R. 4321) authorizing the redemption by the United States Treasury of 20 war-savings stamps (series of 1918) now held by Dr. John Mack, of Omaha, Nebr., submitted an adverse report (No. 1711) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (H. R. 14664) for the relief of Dennis W. Scott (Rept. No. 1712); and

A joint resolution (H. J. Res. 339) authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913 (Rept. No. 1713).

#### BOUNDARIES OF THE YELLOWSTONE NATIONAL PARK (REPT. NO. 1714)

Mr. STANFIELD, from the Committee on Public Lands and Surveys, pursuant to Senate Resolution 237, submitted a final report as to its findings relative to a proposed change in the boundaries of the Yellowstone National Park, as proposed by the President's Coordinating Commission, etc.

#### FEDERAL MOTOR TRUCK CO.

On motion of Mr. COUZENS, it was

*Ordered*, That the papers filed with the bill (S. 2473, 68th Cong., 1st sess.) entitled "A bill for the relief of the Federal Motor Truck

Co." be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### HEARINGS BEFORE HOUSE COMMITTEE ON WAYS AND MEANS

Mr. CURTIS. Mr. President, there is on the table a House joint resolution authorizing the Committee on Ways and Means to hold hearings during the vacation. As it is a House matter, I ask that it be laid before the Senate.

Mr. REED of Missouri. Will that displace the unfinished business?

The VICE PRESIDENT. All these matters from the House are privileged and will not interfere with the unfinished business. The Secretary will read the joint resolution.

The joint resolution (H. J. Res. 373) to authorize the members of the Committee on Ways and Means of the House of Representatives to hold hearings after March 4, 1927, was read the first time by its title and the second time at length, as follows:

*Resolved, etc.*, That after March 4, 1927, those members of the Committee on Ways and Means of the House of Representatives who are members-elect to the Seventieth Congress, or a majority of them, until the meeting of the first session of the Seventieth Congress, are authorized, by subcommittee or otherwise, to hold such hearings and to sit at such times and places within the United States, to employ such expert, clerical, and stenographic services, and to gather such information, through Government agents or otherwise, as to them may seem fit in the preparation of a bill or bills for the revision of the revenue act of 1926 and internal revenue laws, and of the laws relating to the administration of the customs, including the compensation of officers and employees of the customs service; and they are authorized to have such printing and binding done (notwithstanding any limitation in existing law as to number of copies of any document), and to incur such other expenses as may be deemed necessary; all such expenses (except for printing and binding, which shall be charged to the appropriation for printing and binding for Congress), not to exceed \$5,000, to be paid out of the contingent fund of the House on the usual vouchers approved as now provided by law.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HARRISON subsequently said: I enter a motion to reconsider the vote by which House Joint Resolution 373 was passed. It was passed before I came into the Chamber. It is with reference to the House Ways and Means Committee sitting in vacation, through subcommittees, and so forth.

Mr. CURTIS. Of course, the Senator realizes that that committee wants to meet in order to carry out practically the instructions of the Congress.

Mr. HARRISON. I have only entered the motion to reconsider. It may be that I will withdraw it before 12 o'clock, but I do not know.

The VICE PRESIDENT. The motion to reconsider will be entered.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator will state it.

Mr. WADSWORTH. I inquire of the Chair if it is not true that the pending question is the motion of the Senator from Mississippi to reconsider the vote by which the House joint resolution was passed.

The VICE PRESIDENT. The Senator from Mississippi has merely entered his motion.

Mr. WADSWORTH. Has he the privilege of entering a motion and not having it the pending question?

The VICE PRESIDENT. He has that privilege for two days.

#### FARM RELIEF—VETO MESSAGE

Mr. REED of Pennsylvania. Mr. President, I move that the Senate proceed to reconsider the farm relief bill, commonly known as the McNary-Haugen bill, and the President's objections thereto.

Mr. ROBINSON of Arkansas. I move to lay on the table the motion of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. On that I ask for the yeas and nays.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas. On that motion the yeas and nays have been demanded.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. JOHNSON. Mr. President, a parliamentary inquiry before the roll is called, if you please.

The VICE PRESIDENT. The Senator will state it.

Mr. JOHNSON. As I understand this motion, it relates to the veto of the President of the United States upon the farm relief bill. Is that correct?

The VICE PRESIDENT. It is.

Mr. JOHNSON. I have not the Constitution before me, and my recollection may be indistinct with respect to it, but it provides the mode in which we shall act upon a veto of the President of the United States. If we are going to act at all, I think we should act within the constitutional mode. The presentation of a veto becomes, therefore, because it is constitutional, a matter of the very highest privilege, which should be acted upon in accordance with the Constitution.

I am not asking, sir, that action be taken one way or the other. That is not the point; but cavalierly to act upon a presidential veto in the manner suggested is something that I do not think we ought to do.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Pennsylvania. Would it not take a two-thirds vote to table the motion to reconsider?

The VICE PRESIDENT. The Chair would hold that a majority vote can lay the motion on the table.

Mr. REED of Pennsylvania. I make the point of order against the motion to table that it is in violation of the constitutional requirement that the Senate shall proceed to reconsider, and that a vote of two-thirds of the Senators present is necessary to override the veto.

Mr. JOHNSON. Mr. President, may I read the provision of the Constitution?

SEC. 7. All bills for raising revenues shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If after such reconsideration—

And so forth.

The President of the United States has returned to us the bill with his veto. I do not ask action on it; I do not care what shall be done in respect to it; but if we are going to deal with a veto in a matter of such importance, we should not deal with it in a cavalier fashion.

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator from California is right in his suggestion. The chairman of the Committee on Agriculture and Forestry, the Senator from Oregon [Mr. McNARY], who has had charge of the bill, has not made the motion. The veto message was referred to the committee and has not been reported.

Mr. CARAWAY. It has been reported.

Mr. ROBINSON of Arkansas. I was just informed by a member of the committee that it was.

SEVERAL SENATORS. No.

Mr. CARAWAY. I am just as certain of it as of anything.

Mr. ROBINSON of Arkansas. It is not necessary, for my purpose, to raise the question of fact among Senators. I merely want to point out the fact that the Senator from Pennsylvania has made the motion for the purpose of furthering his filibuster.

Mr. REED of Pennsylvania. Mr. President, I challenge that statement. I make the motion within my constitutional right.

Mr. ROBINSON of Arkansas. Oh, Mr. President, I am not questioning the right of the Senator to make the motion. I am merely suggesting that the usual custom in the Senate is for the Senator who has had charge of a bill to make motions with reference to its disposition, and that that has not been done by the Senator from Oregon. I point out the fact that the Senator from Pennsylvania for some days and nights has been engaged in a filibuster against the pending resolution, and that apparently, without the advice or approval of any Senator who voted for the farm relief bill, he has made his motion, and in all probability, if it prevails, it will result in displacing the unfinished business. Therefore I move to lay his motion on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas to lay the motion of the Senator from Pennsylvania on the table.

Mr. LENROOT. Mr. President, did the Chair overrule the point of order made by the Senator from Pennsylvania?

The VICE PRESIDENT. The Chair overrules the point of order of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PITTMAN. Mr. President, I move to lay the appeal on the table.

Mr. REED of Pennsylvania. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McLEAN (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I transfer that pair to the senior Senator from Maryland [Mr. WELLER] and vote "nay."

The roll call was concluded.

Mr. MOSES (after having voted in the negative). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. In his absence, I transfer that pair to the junior Senator from Maine [Mr. GOULD] and let my vote stand.

Mr. FESS. The junior Senator from Connecticut [Mr. BINGHAM] is absent on account of illness. He has a general pair with the junior Senator from Montana [Mr. WHEELER].

If the junior Senator from Connecticut were present he would vote "nay."

Mr. JONES of Washington. The junior Senator from Wisconsin [Mr. LA FOLLETTE] is detained at home on account of illness. If present, he would vote "yea."

I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLET] with the Senator from Alabama [Mr. UNDERWOOD].

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER].

The Senator from Vermont [Mr. DALE] with the Senator from Virginia [Mr. SWANSON].

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on account of illness. He has a pair with the junior Senator from Oklahoma [Mr. HARRELD].

The result was announced—yeas 30, nays 31, as follows:

#### YEAS—30

Bayard	Frazier	Mayfield	Sheppard
Blease	George	Norbeck	Shipstead
Bratton	Harrison	Norris	Smith
Capper	Heflin	Nye	Stephens
Caraway	Howell	Overman	Tyson
Copeland	Kendrick	Pittman	Walsh, Mont.
Dill	McKellar	Reed, Mo.	
Ferris	McMaster	Robinson, Ark.	

#### NAYS—31

Bruce	Greene	Metcalf	Sackett
Cameron	Hale	Moses	Shortridge
Curtis	Johnson	Oddie	Smoot
Deneen	Jones, Wash.	Pepper	Wadsworth
Edge	Keyes	Phipps	Warren
Ernst	Lenroot	Pine	Watson
Goff	McLean	Reed, Pa.	Willis
Gooding	Means	Robinson, Ind.	

#### NOT VOTING—34

Ashurst	Fletcher	King	Stewart
Bingham	Gerry	La Follette	Swanson
Borah	Gillett	McNary	Trammell
Broussard	Glass	Neely	Underwood
Couzens	Gould	Ransdell	Walsh, Mass.
Dale	Harreld	Schall	Weller
du Pont	Harris	Simmons	Wheeler
Edwards	Hawes	Stanfield	
Fess	Jones, N. Mex.	Steck	

So the Senate refused to lay on the table the appeal of Mr. REED of Pennsylvania from the decision of the Chair.

The VICE PRESIDENT. The Chair thinks it proper to state, in this connection, that his reason for holding the point of order not well taken was that the constitutional requirement of reconsideration was complied with at the session at which the veto message was received.

Mr. ROBINSON of Arkansas. Mr. President, I understand that the veto message of the President is now before the Senate on the motion of the Senator from Pennsylvania.

The VICE PRESIDENT. No; the question before the Senate now is, Shall the decision of the Chair stand as the judgment of the Senate, the Senator from Pennsylvania having appealed from the decision of the Chair.

Mr. ROBINSON of Arkansas. A parliamentary inquiry. What is the parliamentary situation?

The VICE PRESIDENT. The Chair overruled a point of order made by the Senator from Pennsylvania to the effect that the motion of the Senator from Arkansas was not in order.

Mr. ROBINSON of Arkansas. And then the question recurs on the motion to lay on the table?

The VICE PRESIDENT. The question recurs on the point of order made by the Senator from Pennsylvania.

Mr. WADSWORTH. On his appeal.

Mr. ROBINSON of Arkansas. Is the appeal debatable?



The VICE PRESIDENT. The appeal is debatable.

The Chair will restate the parliamentary situation. The Senator from Pennsylvania [Mr. REED] moved to take up the President's veto message on the McNary-Haugen bill. The Senator from Arkansas [Mr. ROBINSON] moved to lay that motion upon the table. The Senator from Pennsylvania [Mr. REED] made the point of order that the motion could not be entertained. The Chair overruled the point of order. The Senator from Pennsylvania appealed from that decision of the Chair, and the motion was made by the Senator from Nevada [Mr. PITTMAN] to lay the appeal on the table. The motion of the Senator from Nevada was lost and the question now recurs upon the appeal from the decision of the Chair. The pending question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. ROBINSON of Arkansas. Mr. President, if a vote can be had upon the pending question, namely, whether the decision of the Chair shall stand as the judgment of the Senate, I shall claim only a moment to discuss the appeal.

The motion was made in the absence of the Senator from Oregon [Mr. McNARY] and without notice to him. It is contrary to the custom and precedents of the Senate, although within the right of another Senator, to pursue that course; but for my part, unless the Senator from Oregon is to be censured for the way in which he has proceeded in connection with his bill and with the veto message, I do not intend to detract from his leadership on the subject and follow the leadership of the Senator from Pennsylvania [Mr. REED]. I think that the proceedings of this body during the last few days have disclosed the fact that the Senator from Pennsylvania is an unwise and unsafe leader. He has refused to follow the leadership of the Senator from Kansas [Mr. CURTIS] and of the Senator from Ohio [Mr. WILLIS]. Without in any sense reflecting upon his motives, everyone knows that the motion is not made from a desire to see the veto message disposed of, but rather from an earnest purpose to prevent the Senate from disposing of the resolution before the Senate.

The Senator from Pennsylvania during the last few days, while resisting the resolution of the Senator from Missouri [Mr. REED], has exhausted his great resources in an endeavor to prevent this body from registering its will. He has apparently succeeded in preventing a vote on the resolution, and now, during the closing hours of the session, he is attempting to throw on the legislative scrap heap every important measure that has not yet been acted upon in order that his will, his arbitrary will, if you please, may prevail touching the Reed resolution. I think that the Senate ought to vote down the appeal, because the decision of the Chair was manifestly correct. It is in order to move to table any motion that may be made in the Senate of the United States, and that is one of the few ways in which a debate may be concluded. A Senator obtaining the floor may move to lay upon the table the pending proposition, and if the Senate wants to terminate the debate with respect to it, it can do so by agreeing to the motion.

I submit the question for the decision of the Senate.

Mr. REED of Pennsylvania. Mr. President, one would think, after listening to the scolding I have just received from the Senator from Arkansas—

Mr. ROBINSON of Arkansas. I hope the Senator from Pennsylvania is not so petulant and irascible as that. The Senator from Pennsylvania really does feel that he has submitted to a scolding this morning, does he?

Mr. REED of Pennsylvania. I do not feel that I have submitted to it. I have risen to say that I shall not submit to it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield further?

Mr. REED of Pennsylvania. Certainly.

Mr. ROBINSON of Arkansas. I hope the Senator does not take as a scolding anything I have said, because of the fact that I have refused to follow his leadership?

Mr. REED of Pennsylvania. We will not stop to worry about the phrases in which we shall designate one another's remarks. The Senator is within his rights in criticizing my course of action on the floor. He is within his rights in saying that I stand alone on this side of the Chamber in my desire to see the President's veto acted on. He is within his rights to do that, although we have to forget that the Senator has just been voted down by a majority of the Senate, which shows that they think, as I do, that the veto message ought to be brought before the Senate before we adjourn.

The Senator is within his rights in saying what he has said, and we are right in remembering that he has just been voted down on a roll call of the Senate. He is within his rights when he says it is our duty to follow the leadership of the Senator from Kansas [Mr. CURTIS] in supporting the Democratic attempt to bring up the investigating committee reso-

lution. But I am within my rights when I remember that a majority of the Republicans in the Senate are opposed to the adoption of that resolution and have so expressed themselves over and over again.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me again?

Mr. REED of Pennsylvania. I am glad to yield.

Mr. ROBINSON of Arkansas. Why is not the Senator willing to take a vote on the resolution?

Mr. REED of Pennsylvania. Because I think that the Democrats are standing together, and they have enough Republicans weaned away by one method and another to give a majority to pass it, and I do not intend that it shall pass.

Mr. ROBINSON of Arkansas. Does the Senator oppose a vote on every measure which he thinks does not reflect his viewpoints? Is that the reason the Senator refuses a vote on the resolution, or is it because he has not enough votes to defeat it? Is he willing to commit himself to the policy of denying the Senate the right to vote on any proposition if the Senate is disposed to take a view in conflict with his own?

Mr. REED of Pennsylvania. If the Senator will permit me, I would like to answer just those questions.

Yesterday, with that oratory for which the Senator from Missouri [Mr. REED] is so justly famous, he tried to pillory those of us on this side of the aisle who are opposed to his resolution, and he and his flock which followed him told the country in strident tones that we were to blame for the defeat of the second deficiency appropriation bill, that we were to blame for the failure of the public buildings bill to pass, that we were to blame because the alien property bill is not acted on.

Mr. President, I want to call the attention of the Senate and of anyone else in the United States whom my voice will reach that yesterday we tried to call up the public buildings bill, and that effort was beaten on a roll call on which practically every Democratic Senator, if not everyone, voted against taking up the bill. That record shows who is to blame for the failure of the public buildings bill to pass in this session of Congress.

The motion was made by the Senator from Wyoming [Mr. WARREN], who has been sitting patiently in this Chamber day after day to bring up the second deficiency bill, which carries the appropriation to make the loans to the veterans which were authorized by a recent act, which carries the appropriation for hospitalization, which carries the appropriation for seed distribution to farmers of the drought-stricken areas of the Northwest—the bill which, more than anything else in this Congress, applies to the people of every corner of the country, the bill which everybody wants passed. That bill was before the Senate for an instant, but was stricken down on a point of order made by the Senator from Missouri [Mr. REED]; and yet he says that I am preventing or we are preventing the country from having the benefits of that measure, which would have passed the Senate by this time but for his action in resorting to a technicality to keep it from coming before the Senate for our consideration. Then he says and the rest of the Democrats say that we are to blame because the second deficiency appropriation bill does not pass.

So it is with the alien property bill, which carries approximately \$400,000,000 of relief to two or three classes of claimants, American and German, which settles a most difficult question of policy, the most difficult question that has arisen since the adoption of the treaty of Berlin. There need be no doubt in anybody's mind why the alien property bill fails, if it does. It fails because of the pique and the revenge of the Democratic Senators who resent the defeat of their pet investigating committee measure, who have taken the position before the country that if they can not have what they want for their little pet committee, then they will kill everything that is on the schedule of business of the United States Senate. That is exactly the position in which they have put themselves. Yesterday afternoon they enforced it by a ridiculous filibuster against everything that was attempted to be brought up.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield for a question.

Mr. GOODING. I am wondering if we can not have a vote? It seems to me we have reached the time in the history of this Congress when we ought to have action.

Mr. REED of Pennsylvania. I agree with the Senator.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I do not yield the floor. I want to retain the floor, but I am glad to yield for a question.

Mr. JOHNSON. My sole interest in injecting myself into this matter in respect to the constitutional provision was to have a vote without delay if we were to deal at all with the President's message and the President's veto upon the farm relief bill. I stand ready to vote to overrule that veto so far as

that one vote will do it. I had infinitely rather deal with the subject in that fashion than to deal with it on a technical parliamentary proposition.

Mr. REED of Pennsylvania. I call attention again to the snarl in which Democratic objections have put us. The President of the United States is entitled to have the Senate pass on his veto of the McNary-Haugen bill.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield for a question only.

Mr. McMASTER. If that is true, and it is true, and the Senator from Pennsylvania is so much interested in farm relief, why has he not during the last two or three days given us an opportunity to vote upon it? Why has he not made this motion before? Rather, is not this motion made simply for the purpose of prolonging the discussion? The Senator has no interest in farm relief. He has opposed farm relief on the floor of the Senate at every opportunity.

Mr. REED of Pennsylvania. Are those questions?

Mr. McMASTER. Yes. I ask, why have you not done this before? That is the question.

Mr. REED of Pennsylvania. I have not done it before because the bill was not in my charge. The McNary-Haugen bill came from a committee of which I am not a member. I make the motion to-day because this is the last day of the Congress.

Mr. GLASS. Mr. President—

Mr. REED of Pennsylvania. If I may be permitted to finish my remarks, I shall be glad. Apparently I am not to be permitted to complete even a sentence without interruption; but I yield to the Senator from Virginia for a question.

Mr. GLASS. Never mind.

Mr. REED of Pennsylvania. I say the President of the United States is entitled to the vote of the Senate on his veto of that bill, and the country is entitled to it. I am not going to forget the questions of the Senator from South Dakota, but I am going to make my own statement first.

For the benefit of those Senators who have come in since the question has arisen, I wish to tell them the parliamentary situation. I moved, as under the Constitution I was entitled to do, to proceed to the reconsideration of that bill and the President's objections thereto, exactly in the words of the Constitution of the United States. Any Senator was entitled to make that motion.

Mr. FLETCHER. Mr. President, may I ask the Senator what he expects to accomplish by having a vote on that matter? Does he expect the veto to be overruled or sustained? What does he expect to accomplish?

Mr. REED of Pennsylvania. What I expect to accomplish is to have the President's veto sustained, as it will be by a vote of the Senate.

Mr. FLETCHER. It is in effect sustained without a vote of the Senate. There is no need to vote on it.

Mr. REED of Pennsylvania. The President is entitled to have it sustained by a vote of the Senate, and he is going to have it done if I can bring it to a vote.

Having made that motion, as under the Constitution I was entitled to do, the Senator from Arkansas [Mr. ROBINSON], the Democratic leader, rose and moved to lay my motion on the table. He has moved to lay on the table my exercise of my constitutional right to have that matter reconsidered.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield for a question.

Mr. ROBINSON of Arkansas. A vote having been taken on the motion to table, I withdraw it.

Mr. REED of Pennsylvania. Very good. Then I call up my motion that the Senate proceed to reconsider—

The VICE PRESIDENT. The Senator from Pennsylvania will have to withdraw his appeal from the decision of the Chair on the point of order.

Mr. REED of Missouri. Mr. President, a parliamentary inquiry.

Mr. REED of Pennsylvania. I have the floor.

The VICE PRESIDENT. The Senator from Missouri will state the parliamentary inquiry.

Mr. REED of Missouri. If the motion to take up the President's veto is carried, will it displace the pending business before the Senate?

The VICE PRESIDENT. No; it is a question of highest privilege and will not displace the unfinished business.

MANY SENATORS. Vote! Vote!

The VICE PRESIDENT. Does the Senator from Pennsylvania withdraw his point of order?

Mr. REED of Pennsylvania. I withdraw my point of order, but I still retain the floor to answer the questions of the Senator from South Dakota.

The VICE PRESIDENT. The Chair will state that the precedents sustain the Chair in the ruling he has made. The question is on the motion of the Senator from Pennsylvania to reconsider the farm relief bill and the President's objections thereto.

Mr. CARAWAY rose.

Mr. REED of Pennsylvania. I have the floor, Mr. President.

Mr. CARAWAY. Mr. President—

Mr. REED of Pennsylvania. Have I not the floor, Mr. President?

The VICE PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. REED of Pennsylvania. I intend to hold it for about three minutes more.

The Senator from South Dakota [Mr. McMASTER] in a series of statements and questions has said that I am opposed to the McNary-Haugen bill; that I am not interested in farm relief; that I am not interested in the farmer's problems; that I do not want a vote on the McNary-Haugen bill and a number of other things which I have forgotten. I was opposed to the McNary-Haugen bill, because I regard it as one of the most unsound economic schemes that it has been my privilege to see presented since I have come to Congress. But, because I think that a bill is unsound, because I think that a proposed measure of relief would only get the farmer into worse trouble than he is in now, is no warrant for the Senator from South Dakota or any other Senator to say that I am not interested in the pressing problems which confront the farmers of the country.

Mr. McMASTER. Mr. President, just what kind of farm relief is the Senator interested in? Has he any definite proposition to make?

Mr. REED of Pennsylvania. Of course I have not. I am interested in cancer relief, but I have no quack cure to propose for cancer. I am interested in the alleviation of the sufferings of men in many ways; but the fact I will not vote for every fool scheme that comes along is no warrant for saying that I am hard-hearted toward all the tribulations of other men.

Mr. President, the McNary-Haugen bill, if passed, would lead to only one result. At the great expense of the Treasury of the United States it would so inflate prices that we would have an overproduction which even the Federal Treasury could not take care of, and the scheme would crash of its own weight. That is my reason for voting against the McNary-Haugen bill, and not my indifference to the troubles of the farmers. We have plenty of them in Pennsylvania, Mr. President.

Mr. McMASTER. Mr. President—

Mr. REED of Pennsylvania. Let me finish. When I have the floor it seems to be a challenge to every Senator here to begin to ask questions. Now, I am going to do a little answering.

Pennsylvania is the seventh State in agricultural production in the United States. Is she ever mentioned in the consideration of farm problems on the floor of the Senate? No. We put on measures of farm relief that pay no attention whatsoever to her products. Her hay, her apples, her agricultural products of all sorts, are ignored in these bills. We offer an amendment to take care of those products, and it is beaten by an overwhelming vote, so that it is not worth while to call for a roll call.

Our farmers are opposed to the McNary-Haugen bill, and they have shown it on the polls taken by the Farm Journal in Philadelphia, by the attitude of the State grange, by every means of expressing farm opinion that we have in Pennsylvania. When I vote against the McNary-Haugen bill I am expressing their thought, and not merely my own citified indifference to everybody else's troubles.

Mr. CARAWAY. Mr. President, the Senator from Pennsylvania says that he is not a physician and does not know how to deal with cancer. The specialty of the Senator from Pennsylvania is political corruption; and cancer, as he rightly says, does not fall within that field.

Mr. President, we sat here a whole night through and listened to the Senator from Pennsylvania disclose what has been known for a number of months to be his attitude toward the South. He has inherited the rôle of being the baiter and the hater of one section of this country. That is his stock in trade, Mr. President. When one can not by ability reach a position where he may be known to the Nation at large, he can at least attract temporary attention by baiting some other section of the country; and when it comes to talking about the South and wanting to injure the South, the Senator aspires to that rôle. Of all the people who robbed and plundered and murdered and stole from the people of my State, the Senator's State furnished the arch villain in that enterprise. A man whose name is as much hated, and for good reasons, by the white people of my State as Attila's was by the people of Rome,



came from the Senator's State. I speak about the Claytons. They stole everything that was worth stealing; they burned the property of everybody who did not submit to their rule; women were afraid to walk the streets while that force was in power in my State.

Mr. REED of Pennsylvania. Mr. President, will the Senator tell us whom he is talking about?

Mr. CARAWAY. I am talking about Powell Clayton, from the Senator's own State.

Mr. REED of Pennsylvania. I never heard of him before.

Mr. CARAWAY. The Senator must have done that, because with all of his lack of information no man could sit here in the Senate and say that he never heard the name of Powell Clayton and expect to have his statement accepted seriously. Why, he is in some respects the most "distinguished" citizen the Senator's State has produced. He was hated by more people than any other man from Pennsylvania that I know of, and it takes some reputation to acquire that distinction.

Mr. President, we are not fooled by what is going on here now. We all know it is not alone the corruption in Pennsylvania and in Illinois that is being shielded by this filibuster. There is another Senator who joined in it who knows that his interest is particular and special; and if it is to be the rule that everybody who has been guilty of having obtained place by corrupt means shall stand together, they may find eventually that they have quite a considerable little group whose interests are identical, and who, therefore, always act as a unit.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. CARAWAY. I will do that.

Mr. REED of Pennsylvania. If the Senator is accusing the Senator from Alabama [Mr. HEFLIN] of being the person who is afraid of an investigation in his State, I suggest that he ought not to do that in the Senator's absence. Oh, I see that the Senator has come in. I was going to ask the Senator from Arkansas not to do that in the absence of the Senator from Alabama. The Senator from Alabama has talked longer than anybody else has talked in the last 24 hours, and I suppose the Senator refers to him.

Mr. CARAWAY. The Senator can not even make that rise to the dignity of a joke. The Senator from Alabama has never objected to States being investigated where corruption is known or suspected.

Mr. REED of Pennsylvania. No; but he has filibustered longer than anybody else.

Mr. CARAWAY. Oh, no. The Senator knows the difference between a filibuster where there is an object back of it and one where a man merely exercises his right to talk.

Nobody doubts the motive that prompts the Senator from Pennsylvania. Everybody knows it. Everybody knows that those who joined in with him have a special reason for opposing an investigation, and therefore it is perfectly idle to conceal, or attempt to conceal, that motive. If the other Senator really wants to know about whom we are talking now, if he will rise, we shall be very glad to inform him.

Mr. President, I have listened—not with much patience, and certainly without any edification—to the reiterated attacks delivered by the Senator from Pennsylvania upon the people in the South. Take my own State. Each one may speak for his own. He speaks for the interests he represents. He knows who it is that approves his course. He knows who is protected by his course, and I am not falling out with him. If he thinks he was elected for that purpose, why, bless his soul, he certainly lived up to the expectations of those who put him here. What I wanted to say, however, was this:

Take my State. The Senator from Pennsylvania calls attention to the number of votes cast in the last election. If the Senator wants to investigate the election in my State, I will consent that he be named as a special committee and let him do it all by himself. Certainly we could be no more generous than that, because there is no one in the Senate, there is no one in private life even, who hates our country as the Senator from Pennsylvania hates it; and yet I am willing to let him do it. Let him go into every precinct and then make his report to the Senate. Could one be more generous—because, I say, there is no other white man who walks this earth who hates my section as the Senator from Pennsylvania hates it. That is the only passion that the Senator has, except to be useful to people who have profited by methods that everybody understands.

In my time, if the Senator will say that he would like to investigate the election in my State, I shall ask unanimous consent that he be named a special committee for that purpose, and we will do more than he will do as to Pennsylvania. We will afford him an opportunity to look at every ballot cast and

to interview every negro whom he wants to interview to find out whether or not he voted or wanted to vote. Does the Senator want to have that privilege accorded to him?

Mr. REED of Pennsylvania. It would not be necessary to go to Arkansas. The Senator could bring the ballots up in his pocket the next time he came back.

Mr. BRUCE. Mr. President, may I interrupt the Senator a moment?

Mr. CARAWAY. Yes.

Mr. BRUCE. Everything in the Republican Party gets back to the pocket sooner or later.

Mr. CARAWAY. Why, of course; and gets into the pocket, too.

Mr. President, I was going to say that possibly I could do that, and when I did, every vote in the pocket would be an honest vote, and that is more than anybody believes is contained in the ballots boxes from Pennsylvania, or else the Senator from Pennsylvania would not be opposing the investigation.

Mr. REED of Pennsylvania. There is something quite amusing about this, Mr. President.

Mr. CARAWAY. I have the floor.

Mr. REED of Pennsylvania. Oh! I beg the Senator's pardon.

Mr. CARAWAY. If the Senator wants to ask a question, I shall be delighted to yield for that purpose.

Mr. REED of Pennsylvania. I thought the Senator's pause was permanent.

Mr. CARAWAY. No. Of course, I realize that the Senator from Pennsylvania is impatient; but I am only anxious again to say to the Senator from Pennsylvania that if there is any election in any Southern State that he wants to investigate, I will see that he has the right to do it. There is not any desire upon the part of the people from the South to shield corruption if it exists, and no friend of the South ever did oppose an investigation. If there ever was a corrupt situation down there, and anybody from the South opposed it, he was no friend of the South. We are not that kind of people. Stealing elections or anything else has not been our specialty. It belongs to other people.

#### PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 3, 1927, the President approved and signed the following acts:

S. 4239. An act for the relief of homestead settlers on the drained Mud Lake bottom in the State of Minnesota;

S. 4316. An act to amend the act entitled "An act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service," approved October 6, 1917;

S. 4383. An act for the relief of certain claimants for interest arising from delay in the payment of drafts and cable transfers of the American Embassy at Constantinople between December 23, 1915, and April 21, 1927;

S. 4631. An act for the relief of Claude T. Winslow;

S. 4754. An act to allow credits in the accounts of Harry Caden, special fiscal agent, Bureau of Reclamation, Department of the Interior;

S. 4795. An act for the relief of B. F. Cowley;

S. 4858. An act for the relief of Martha Ellen Raper;

S. 4998. An act to provide a water system for the Indians of the Reno-Sparks Indian Colony, Nev.;

S. 5200. An act to authorize a per capita payment from tribal funds to the Kiowa, Comanche, and Apache Indians of Oklahoma;

S. 5548. An act to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard;

S. 5757. An act authorizing the Secretary of War to grant permission to the Port of Portland Commission to close the east channel of Swan Island, Oreg.;

S. 4474. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended;

S. 5709. An act to amend the act approved June 7, 1924, relating to the regulation of the practice of dentistry in the District of Columbia;

S. 5727. An act to authorize and direct the Secretary of War to accept an act of sale and a dedication of certain property in the city of New Orleans, La., from the Board of Commissioners of the Port of New Orleans, and for other purposes;

S. 2320. An act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce;

S. 3662. An act creating the offices of assistants to the Secretary of Labor; and

S. 5385. An act authorizing the Secretary of the Interior to issue patent to the county of Del Norte, State of California, to Whaler Island in Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 2788. An act for the relief of Joseph Jameson;

S. 4782. An act to remove a cloud on title; and

S. 4977. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public-highway purposes over and upon a portion of Vancouver Barracks Military Reservation, in the State of Washington.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12563) for the relief of Walter B. Avery and Fred S. Gichner.

The message also announced that the House had passed the joint resolution (H. J. Res. 379) making appropriations for the United States Veterans' Bureau and the Bureau of Pensions, in which it requested the concurrence of the Senate.

#### NATIONAL-ORIGINS QUOTAS UNDER IMMIGRATION ACT

Mr. NEELY and Mr. REED of Pennsylvania addressed the Chair.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Senator from West Virginia.

Mr. NEELY addressed the Senate. After having spoken for a few minutes,

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 5112) to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1661. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin; and

H. R. 10504. An act to amend the act approved June 4, 1897, by authorizing an increase in the cost of lands to be embraced in the Shiloh National Military Park, Pittsburg Landing, Tenn.

#### SECOND DEFICIENCY APPROPRIATION BILL

Mr. REED of Missouri. Mr. President, I ask the indulgence of the Senator who has the floor, because if anything is to be done it has to be done immediately.

Mr. NEELY. I yield.

Mr. REED of Missouri. I shall not even take the time now to state my reasons for the request I am about to prefer, but I shall do so in a few moments. I ask unanimous consent that the Senate proceed immediately to the consideration of the deficiency appropriation bill, that it be passed without debate, and that the unfinished business shall then continue in its present status.

Mr. NEELY. Mr. President, I yield for that purpose, provided I may be recognized to complete my remarks. I will only take a few minutes longer.

The PRESIDING OFFICER. That will be the understanding.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. That would not remove from its place before the Senate the veto message on the McNary-Haugen bill, would it?

Mr. REED of Missouri. I ask that the other business stand in its present status.

Mr. JOHNSON. Mr. President, merely that I may understand the request, my position being more or less detached after what has transpired in the last few days, particularly in the light of recent events, as I gather, this bill is to be presented without debate at all and is immediately to be passed. Is that the proposal?

Mr. REED of Missouri. The only thing involved is the question of time. If the Senator objects to it, of course, I shall withdraw the request.

Mr. JOHNSON. I am not objecting to it; I merely wish to know about it.

Mr. REED of Pennsylvania. Mr. President—

The PRESIDING OFFICER. One at a time.

Mr. JOHNSON. I simply want to know what the situation is, and hereafter I shall take pains that I may know the various situations as they arise; that is all. The bill is to be pre-

sented and the bill is to be passed without debate of any kind or any character as it stands to-day?

Mr. REED of Missouri. I will change the request.

Mr. JOHNSON. I have no objection to it, but I want to know exactly what it is.

Mr. REED of Missouri. The request is that the Senate proceed to the consideration of the deficiency appropriation bill and that at the end of 30 minutes shall proceed to vote upon the bill and all amendments thereto.

Mr. NEELY. That will necessitate a quorum call. Will not the Senator ask that the consideration of the bill shall not take more than 30 minutes?

Mr. JOHNSON. That is just what I want to know. I am willing that the bill shall be passed as it stands, but to say that 30 minutes shall be allowed and amendments may be submitted when there can be no suggestions or arguments concerning amendments, it seems to me, is not the appropriate procedure. If we are going to pass the bill under an agreement that has been made, pass it right now in a minute, but do not wait 30 minutes and permit some Senator to argue on the bill and deny the rest of us an opportunity.

Mr. REED of Pennsylvania. Mr. President, we can shorten this discussion, I believe. If the proposal is to allow amendments to the bill and limit debate on amendments the nature of which we do not now know, I shall object. I am not going to permit the resolution to go on the appropriation bill by way of an amendment.

Mr. REED of Missouri. Let me state the request again.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED of Missouri. Mr. President, I understand the Senator from Pennsylvania objects.

Mr. REED of Pennsylvania. I do not object if the bill is to be passed as it now stands.

Mr. SMOOT. With committee amendments.

Mr. REED of Pennsylvania. With committee amendments.

Mr. WARREN. Mr. President, will the Senator yield to me for a moment?

Mr. REED of Pennsylvania. I yield.

Mr. WARREN. Mr. President, one of two things can be done with reference to the second deficiency appropriation bill in order to secure its passage. The first is to take it as it came from the House and pass it in that shape, with a couple of items stricken out which would have to go out because the committee has so decided. That could be done, perhaps, at even a later hour than this. The second is to consider the bill as it came to us with the amendments that have been already attached to it by agreement and report of the committee, and also with those which I hold in my hand on which the committee has passed, but we are obliged, under the rule, if there is the slightest suggestion of legislation to offer the amendment on the floor by the chairman of the committee or some other Senator. There is no disposition on the part of the chairman of the committee or the committee itself to attach other items. Almost up to midnight last night, at least later than 10 o'clock, other estimates came from the Budget Bureau, but, of course, they have not had the attention of the committee, and I do not propose to offer amendments to cover them.

I do not want any misunderstanding. If this bill has got to die, let it die without any further struggle. If we are going to take it up, let us do so at once.

Mr. OVERMAN. Mr. President, I understand the Senator from Wyoming to say that he will not offer a single amendment that has not been considered by the committee?

Mr. WARREN. That is right.

Mr. OVERMAN. I agree to that.

SEVERAL SENATORS. Vote!

Mr. REED of Missouri. Mr. President, may the unanimous-consent request which I have submitted be read?

The VICE PRESIDENT. The request is not at the desk.

Mr. LENROOT. Mr. President, I desire to make an inquiry. I would like to inquire of the Senator from Missouri and other Senators on the other side whether there is any intention of offering what is known as the Reed resolution as an amendment to this bill.

Mr. ASHURST. No!

Mr. GLASS. I do not know whether there is or not.

The VICE PRESIDENT. The amendment would not be in order on the appropriation bill.

Mr. GLASS. Why should we be required to give that assurance? If one man is going to run the United States Senate, I want to know it.

Mr. WADSWORTH. Mr. President—

Mr. ASHURST. That would kill the bill.

Mr. GLASS. Kill it, then. Who would be responsible for it except the Senator from Pennsylvania?



Mr. ASHURST. The Senator from Virginia need not direct his ire against me. I am in favor of the Reed resolution, and I have a little sense besides.

The VICE PRESIDENT. Senators must rise and address the Chair. Only in that way can any order be preserved in the Senate. Debate can not be carried on in the way it is proceeding now. The Senator from West Virginia has the floor.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Utah?

Mr. NEELY. I yield for a question.

The VICE PRESIDENT. The Senator from Utah.

Mr. NEELY. Then I shall yield to the Senator from Missouri.

The VICE PRESIDENT. Senators will take their seats. Debate will proceed in order.

Mr. SMOOT. I hope the Senate will not lose its head. On the question as to whether the resolution will be offered as an amendment to the bill, I think Senators themselves will see that that would be out of order.

Mr. NORRIS. What is the use arguing it now?

Mr. SMOOT. I understand the unanimous-consent request is that we proceed at once to the consideration of the bill and committee amendments and without discussion. Is that correct?

Mr. REED of Missouri. That was my last suggestion. Has anyone an objection to it?

Mr. McNARY. Mr. President, I want this understood: I have here a very important item of \$300,000, to care for an appropriation for the purchase of an arboretum in this city. I am anxious to know if that item is in contemplation of the Senator from Wyoming.

Mr. WARREN. Mr. President, I wish to say to the Senator from Oregon that, so far as those members of the committee whom I have been able to consult are concerned, it is entirely agreeable to them that the amendment shall be offered, as it has been considered by the Budget Bureau and has in the form of a bill passed both Houses and complies with every requirement of an amendment.

Mr. McNARY. It will be offered by the chairman of the committee?

Mr. WARREN. I shall offer it, subject, of course, to any objection which may be made by any member of the committee. I did not have an opportunity to speak to all the members in regard to it.

Mr. ROBINSON of Arkansas. I demand the regular order. There is a proposal for unanimous consent pending, and I demand the regular order.

The VICE PRESIDENT. The clerk will read the unanimous-consent request.

Mr. SHORTRIDGE. Mr. President—

Mr. NEELY. Mr. President, I decline to yield. I have the floor, and I yielded with the express understanding, and on the statement from the Presiding Officer, the senior Senator from New York [Mr. WADSWORTH] then being in the chair, on the condition that I should be recognized immediately after this matter was determined, and that I would not yield if it was going to lead to prolonged debate.

The VICE PRESIDENT. The Senator yielded for the statement of a request for unanimous consent. Will not the Senator from Missouri state his unanimous-consent request again?

Mr. REED of Missouri. The request is that the Senate shall proceed immediately to the consideration of the urgency deficiency appropriation bill and shall vote at once upon the committee amendments and upon the bill without debate.

The VICE PRESIDENT. Is there objection?

Mr. SHORTRIDGE. I wish to make a statement.

Mr. ASHURST and others. Regular order.

The VICE PRESIDENT. The Senator from California.

Mr. SHORTRIDGE. It will take me but just a moment.

Mr. NEELY. Mr. President, I refuse to yield for debate. I will yield for an objection, but I will not yield for any debate.

The VICE PRESIDENT. The Senator refuses to yield. Is there objection to the unanimous-consent agreement?

Mr. BLEASE. Mr. President, I have an amendment lying on the table which has been there since this bill came into the Senate which embodies a bill introduced by the senior Senator from South Carolina [Mr. SMITH], which has been passed by the House and passed by the Senate. It affects a very important industry in my State and carries an appropriation of \$50,000. I would like to agree to this unanimous consent, but I can not do it if that \$50,000 amendment is to be sacrificed.

The VICE PRESIDENT. The amendment of the Senator from South Carolina is in order.

Mr. BLEASE. I see no reason why the chairman of the Committee on Appropriations could not accept that as a committee amendment and let it go in.

Mr. CURTIS. Mr. President—

Mr. NEELY. I yield to the Senator from Kansas.

Mr. CURTIS. I merely want to make one statement. Last night, after considerable work and a good many conferences, I moved that the Senate proceed to the consideration of executive business and at the conclusion of the executive business moved for a recess to 8.30 o'clock this morning, believing as confidently as a man could believe that the urgent deficiency appropriation bill would be taken up this morning at 8.30 by unanimous consent. Otherwise I would not have taken the course I did take last night. If we are to pass this measure and it is to become a law, it should be passed by 10 o'clock, and I hope that unanimous consent will be given to proceed to the consideration of the bill as it was reported from the committee.

Mr. DILL. Mr. President, there is just one way in which the bill is going to be taken up and passed; that is, to take it as it came from the committee and is printed. Otherwise, it is not going to be passed.

Mr. WHEELER. I object.

The VICE PRESIDENT. Objection is made.

Mr. REED of Missouri. Mr. President, I ask unanimous consent that the bill as printed be passed.

Mr. SHIPSTEAD. Without debate?

Mr. REED of Missouri. As printed.

Mr. CURTIS. I hope that will be consented to.

Mr. BRUCE. I object.

The VICE PRESIDENT. Objection is made. The Senator from West Virginia has the floor.

Mr. REED of Missouri. Will the Senator indulge me simply to make this statement? I shall later state my particular reasons. For the present, I have done everything I can do in this matter.

Mr. REED of Pennsylvania. Mr. President, will the Senator from West Virginia permit me to make a request?

The VICE PRESIDENT. The Senator from West Virginia has the floor. Does he yield?

Mr. HEFLIN. Regular order!

Mr. NEELY. I will yield for a unanimous-consent request but for no debate.

The VICE PRESIDENT. The Senate will be in order. Does the Senator from West Virginia yield to the Senator from Pennsylvania?

Mr. NEELY. For a unanimous-consent request, without debate.

Mr. ROBINSON of Arkansas. I object.

Mr. HARRISON. I call for the regular order.

Mr. ROBINSON of Arkansas. I make the point of order that the Senator from West Virginia can not yield to the Senator from Pennsylvania for the purpose stated except by unanimous consent, and I object.

Mr. REED of Pennsylvania. Oh, Mr. President, let us be fair.

Mr. ROBINSON of Arkansas. I object.

Mr. HARRISON. I call for the regular order.

The VICE PRESIDENT. The Senator from West Virginia can yield for a unanimous-consent request if he will yield the floor.

Mr. NEELY. I do not care to yield the floor. I will proceed and will be through in a very few minutes. May we have order in the Chamber?

The VICE PRESIDENT. The Senate will be in order.

Mr. NEELY. If Senators standing in the rear wish to converse, I think they ought to go to the cloakroom.

The VICE PRESIDENT. The Chair will have to enforce the rule this morning that Senators, when they rise to speak, must address the Chair and be recognized; otherwise there will be no order in debate the rest of the morning. The Chair will enforce that rule. The Senator from West Virginia.

Mr. BRUCE. Mr. President, will the Senator from West Virginia yield to me just a moment?

Mr. NEELY. Yes; if I do not lose the floor.

Mr. BRUCE. I made an objection when a proposal was submitted by the Senator from Missouri to have the deficiency appropriation bill taken up in the form in which it is printed. I did not know what that printed form was or whether it contained a provision in which I am vitally interested, and I objected. I withdraw the objection.

Mr. NEELY. With the understanding that I shall be recognized as soon as that request for unanimous consent is submitted and acted on, I shall be very glad to yield to the Senator from Missouri for the purpose of submitting a request to the Senate, provided it does not lead to debate, because I am much more anxious to have the deficiency appropriation bill passed, which has in it provisions for veterans of the World War and

for the widows of Civil War veterans, than I am in showing that the President was mistaken about this report.

Mr. CURTIS. Mr. President, I ask unanimous consent for the immediate consideration of the deficiency appropriation bill, that it be taken up without debate, and that it pass with the amendments reported from the committee, printed in the bill.

Mr. OVERMAN. That is right.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, there are some very important committee amendments that the committee will offer on the floor.

Mr. OVERMAN. The committee has not passed on those amendments. A hundred amendments are brought to the chairman which never came before the committee. I am not going to agree to that. I will agree to the bill.

Mr. WARREN. Mr. President—

The VICE PRESIDENT. The Senator from Wyoming.

Mr. WARREN. I would like for a moment, as chairman of the committee having the bill in charge—

The VICE PRESIDENT. The Senate will proceed in order. Senators will take their seats.

Mr. OVERMAN. I am willing to agree to any amendments that were considered in the committee or any amendments that were suggested to the chairman of the committee to report on the floor; but I am not going to consent to any amendment agreed to since that time with reference to which I have not been consulted, nor am I going to agree to any estimate sent down by the President that we have not considered in the committee.

Mr. WARREN. Mr. President, have I the floor?

The VICE PRESIDENT. The Senator from West Virginia has the floor.

Mr. NEELY. Mr. President, I yield for the presentation of a unanimous-consent request.

Mr. REED of Missouri. Mr. President, I want to know if I understand the situation. Is it proposed to refuse a unanimous-consent agreement which I request and then accept a unanimous-consent proposal which is offered by someone else, when I have made this sacrifice here in the interest of the business of the Senate? Is that the proposition?

Mr. WARREN. Mr. President, I propose to proceed under unanimous consent, if I proceed at all, but I may ask the suspension of certain rules of the Senate from time to time for certain committee amendments. So far as the remarks of the Senator from North Carolina [Mr. OVERMAN] are concerned, there will be nothing offered by me except those matters which have been agreed to by the committee either as individuals or in formal meeting. There are some of the amendments which already have been printed in the bill, but there are some 12 or 15 which I shall offer en bloc, if I may, all of which have been before the committee and considered, and which are committee amendments, except that I have to offer them from the floor instead of as a part of the printed amendments now contained in the printed bill before the Senate.

Mr. PITTMAN. Mr. President, it is perfectly apparent to me that if we are not going to accept the printed bill we are going to have all kinds of trouble. If the Senator from Wyoming expects to get something through, let him get the Senate to accept the printed bill.

Mr. HARRISON. Mr. President, I want to say to the Senator that I am going to object to anything else being done except that one thing. That is the request of the Senator from Missouri, and it ought to be granted if Senators want to get the deficiency appropriation bill passed.

Mr. GOODING. Mr. President, this is the time when every Senator ought to be willing to accept sacrifices. I have an amendment to the deficiency appropriation bill which has been authorized by the Bureau of the Budget, but I am not going to ask that it be considered. It has not been considered by the committee and I shall not ask for a vote on it. I think the unanimous-consent agreement proposed by the Senator from Missouri ought to be accepted.

Mr. REED of Missouri. Mr. President, I will make this one proposition, and it can be accepted or rejected. I ask unanimous consent that the urgent deficiency bill as printed, with the amendments printed therein, do now pass.

The VICE PRESIDENT. Is there objection?

Mr. HOWELL. Mr. President—

The VICE PRESIDENT. Without objection, it is so ordered, and the bill is passed.

Mr. REED of Missouri. Oh, Mr. President, that will not do.

Mr. HOWELL. I object. I asked for recognition by the Chair.

The VICE PRESIDENT. Without objection, the action on the bill will be reconsidered.

Mr. ASHURST. I object to a reconsideration.

Mr. HOWELL. Mr. President—

Mr. ASHURST. I object to any reconsideration.

Mr. HOWELL. Unanimous consent was asked and I objected.

The VICE PRESIDENT. The action on the passage of the bill is reconsidered. Is there objection to the request of the Senator from Missouri?

Mr. HOWELL. I object.

Mr. REED of Missouri. I have done all I can for the deficiency appropriation bill.

The VICE PRESIDENT. The Senator from West Virginia [Mr. NEELY] has the floor.

Mr. HEFLIN. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield?

Mr. HEFLIN. A parliamentary inquiry.

Mr. NEELY. I yield for a parliamentary inquiry, of course.

Mr. HEFLIN. I did not understand the Senator from Nebraska [Mr. HOWELL] to object to the Senate voting on the measure if that could be done. I understood him to object to having the bill passed by unanimous consent.

Mr. HOWELL. Mr. President, the farmers of the Middle West have nothing. They have not received consideration. The one bill for their relief has been vetoed. We have been told in the Middle West that the Missouri River could be improved and that such improvement would relieve freight rates. Secretary Hoover, who has been out in that region, urges that this is one course which should be pursued for the relief of the farmer.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. HOWELL. Congress has heretofore authorized an appropriation of \$12,000,000 for that work. The engineers have stated that if the necessary appropriation were made the work could be completed within eight years; that if the necessary appropriation is not made in a lump sum or in large sums it will take 15 or 20 years. I have an amendment appropriating \$12,000,000 to offer in connection with this bill and I shall, therefore, object to its passage in this way without consideration by the Senate by unanimous consent.

Mr. NEELY. Mr. President—

The VICE PRESIDENT. The Senator from West Virginia has the floor.

Mr. WARREN. Mr. President, will the Senator from Nebraska yield to me?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Wyoming?

Mr. NEELY. I yield.

Mr. WARREN. We have already passed a measure carrying \$10,000,000 for the farmer to eradicate and prevent the spread of the corn borer, and we have further proposed an appropriation of \$8,600,000 in one lump sum in the bill about which we are now talking and hoping to pass. It is unnecessary and without truth to say that we have done nothing for the farmer. There are several matters in the bill of interest to the farmer. I wish there were more. The way to kill it all is to object merely in order that each man shall have his own damned way.

Mr. BRATTON and others addressed the Chair.

Mr. NEELY. Mr. President, I shall not yield any further.

Mr. BRATTON. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Mexico?

Mr. HOWELL. Mr. President, will the Senator yield for an explanation?

Mr. NEELY. No; I will not yield for any explanation.

Mr. BRATTON. Mr. President, will the Senator from West Virginia yield to me to submit a unanimous-consent request?

Mr. NEELY. I yield to the Senator from New Mexico to present his unanimous-consent request, provided I do not lose the floor. These filibusters have been torturing me for the last two weeks and I am going to keep the floor until I get through. I yield to the Senator from New Mexico if I may do so without losing the floor.

The VICE PRESIDENT. The Senator from New Mexico will state his unanimous-consent request.

Mr. BRATTON. I ask unanimous consent that the Senate proceed to vote upon the deficiency appropriation bill and such amendments as the committee may propose thereto, and that the vote be taken upon the committee amendments and the bill without debate.

Mr. REED of Missouri. That is exactly what I asked.

Mr. NEELY. If there is no more than objection or acceptance, I yield, but if there is anything more than that I decline to yield.

Mr. JOHNSON. Mr. President, may the proposal be stated again?



Mr. BRATTON. I ask unanimous consent that the bill as printed and such amendments as the committee may propose thereto be voted upon by the Senate, without debate, immediately after the committee amendments are submitted.

Mr. HOWELL. Mr. President, there has been great confusion in the Chamber. Will the Senator please state his unanimous-consent request again?

Mr. BRATTON. I will state it again. I ask unanimous consent that the deficiency appropriation bill as printed, and such amendments as the committee may offer thereto, be voted upon without further debate; that as soon as the committee amendments are submitted to the Senate a vote shall then be taken upon the bill, giving an opportunity for the majority of the Senate to determine whether it shall pass.

Mr. HOWELL. I am perfectly willing to agree to that unanimous-consent proposal provided there may be included \$12,000,000 for the Missouri River improvement.

Mr. ASHURST. Let us vote on the Senator's amendment.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. NEELY. I yield.

Mr. OVERMAN. I want the Senator from New Mexico to include in his unanimous-consent request the proposition to vote only on the amendments considered by the committee. I am not going to agree that the chairman of the committee may offer amendments which I have not even seen.

Mr. BRATTON. I will do that. I ask unanimous consent that the Senate proceed to the consideration of the deficiency appropriation bill and that immediately after the committee proposes such amendments as have been passed upon by the committee the Senate shall then vote upon the amendments thereto and the measure itself.

Mr. NEELY. Without debate?

Mr. BRATTON. Without debate.

The VICE PRESIDENT. Is there objection?

Mr. WALSH of Massachusetts. Mr. President, I respectfully object. I do not propose at the last hour to be lashed here into accepting the judgment of a small minority. There is something more at issue in this body than the passage of an appropriation bill, and that is the right of two-thirds of the membership to have a decision. As one Member of the Senate I do not propose that appropriation bills or any other bills shall pass without debate in the midst of a filibuster merely at the whim of one-third or less of the membership of this body. A minority held a lash over us for three days, and now in the last hours of the session they are undertaking to force us to accept something without any deliberation which they think will drive us to abandon vital principles of free government which we entertain. I demand that we adjourn at 12 o'clock and that the President call an extra session of Congress and then that we proceed to consider these bills. This is civil war against the Government with a third of the membership of this body denying to the other two-thirds the opportunity to express a judgment.

Money! Appropriation bills! I congratulate the Senator from Pennsylvania [Mr. REED] and the Senator from New Hampshire [Mr. MOSES]. They think they have achieved a fine triumph. The lash at last has stung, and Senators are being driven into their holes, as they might have known would happen. They assumed that in the last hours of the session, after we had stood here fighting for a principle, fighting for the right of two-thirds to express themselves, fighting for the right of the Senate to remove political corruption from its own membership, that when an appropriation bill was offered we would retreat. They gambled on our cowardice at the eleventh hour. But, if I stand alone, victory shall not be theirs. I demand the right of two-thirds of this body to express themselves on the pending question, and no suggestion of dollars, of appropriations, or of the importance of pending measures will influence my judgment as to the rights of this body to function. We might just as well fight it out now and at the next session and until at last rules shall be adopted here which will give two-thirds of the body the right to legislate. I object.

#### NATIONAL-ORIGINS QUOTAS UNDER IMMIGRATION ACT

Mr. NEELY resumed his speech. After having spoken for a few minutes,

#### SENATORIAL ELECTION CONTEST IN PENNSYLVANIA

Mr. ROBINSON of Arkansas. Mr. President, I rise to present a matter of privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. ROBINSON of Arkansas. I present the petition of contest of William B. Wilson against WILLIAM S. VARE.

Mr. REED of Pennsylvania. I object to the Senator from Arkansas asking to do that in the time of the Senator from West Virginia. The Senator from West Virginia can not yield

for that purpose without unanimous consent, and, following the example of the Senator from Arkansas, I object.

Mr. NEELY. The Senator asked me to yield, I will say to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I object.

Mr. ROBINSON of Arkansas. This is a matter of privilege, which may be received at any time.

Mr. REED of Pennsylvania. A point of order, Mr. President.

The VICE PRESIDENT. The Senator can not take a Senator off the floor, but the Senator from West Virginia can yield to the Senator from Arkansas.

Mr. NEELY. I shall be glad to yield to the Senator from Arkansas for the purpose indicated, provided I do not lose the floor.

Mr. ROBINSON of Arkansas. I ask that the petition be received.

Mr. REED of Pennsylvania. Can that be done except by unanimous consent?

The VICE PRESIDENT. The Senator from West Virginia will have to depend upon the Chair as to whether or not he obtains recognition.

Mr. NEELY. I am going to take a glance on the Vice President.

Mr. ROBINSON of Arkansas. I ask that the petition be received, printed in the Record, and referred to the Committee on Privileges and Elections.

Mr. MOSES. I ask that the petition be read, in order that we may understand it.

The VICE PRESIDENT. The petition will be read.

Mr. HEFLIN. I object.

Mr. ROBINSON of Arkansas. I hope the Senator will not do that. I trust he will permit it to be read.

Mr. HEFLIN. I withdraw my objection at the request of the Senator from Arkansas, but the request for the reading came after the Chair had referred the petition to the Committee on Privileges and Elections.

Mr. MOSES. I am willing to have a very brief statement from the Senator from Arkansas as to what the document is. I did not hear what he said.

Mr. ROBINSON of Arkansas. I shall be very glad to have the petition read. I myself could have asked to have it read. I have stated it is a petition of contest of William B. Wilson.

Mr. MOSES. I do not care about having it read.

Mr. HEFLIN. I objected because I did not care to take up the time of the Senate.

The VICE PRESIDENT. Without objection, the petition will be received, printed in the Record, and referred to the Committee on Privileges and Elections.

The petition is as follows:

#### COMPLAINT OF WILLIAM B. WILSON

To the Senate of the United States:

Comes now William B. Wilson and files this his contest for a seat in the United States Senate as Senator from the Commonwealth of Pennsylvania and contests the seat claimed by WILLIAM S. VARE for the term beginning March 4, 1927, and as grounds for this contest shows to this honorable body that heretofore the said WILLIAM S. VARE was nominated at the primaries held on May 18, 1926, as the Republican candidate for United States Senator from Pennsylvania for said term, and that the said William B. Wilson was at the said primaries nominated for said office and term on the Democratic ticket.

That there are in the said State 67 counties, divided into about 8,334 election precincts or divisions; that the election for said office was held on the 2d day of November, 1926; that by the laws of the Commonwealth of Pennsylvania the votes cast in the various precincts or divisions are canvassed and counted by the judges, inspectors, and clerks of election in the precincts in which cast; that said various election precinct or division officials certify the results thereof to the prothonotaries or other authorized officials to receive such results in the counties in which the various precincts are situated; that within brief interval thereafter the county boards of canvassers scrutinize such returns and in accordance with the laws of the Commonwealth an abstract of the various returns is made and certified to the secretary of the Commonwealth.

That as a result of the canvass of the returns as certified to the Secretary of the Commonwealth of Pennsylvania, it was found that the said WILLIAM S. VARE was shown by the returns to have received 822,187 votes for said office of United States Senator at said election, and that the said William B. Wilson had received a total of 648,680 votes for said office, the difference thus giving the said VARE an apparent plurality of 173,507 votes and the said VARE's claims on the basis of such apparent plurality were submitted to the Governor of the Commonwealth of Pennsylvania, who refused to accord him a certificate of election in regular form, but issued to him one in which occurred the significant phraseology that the said VARE "appears to have been elected."

For the purpose of this complaint the said VARE is hereinafter described as the claimant and the said Wilson as the contestant.

That said contestant, Wilson, avers on information and belief that in truth and in fact there were cast at the said election many thousand more votes for the contestant, Wilson, than were cast for the claimant, VARE, for said office of United States Senator from the Commonwealth of Pennsylvania for said term; and said contestant further avers that there were errors and irregularities in said election affecting the result which, if corrected, would show that this contestant received a majority of votes legally cast at said election for said office of not less than from 25,000 to 30,000 votes.

That the illegalities complained of affecting the result are:

(a) That various local canvassing boards, especially in the cities of Pittsburgh and Philadelphia, unlawfully counted for said claimant, VARE, votes which in truth and in fact were cast for the contestant, Wilson.

(b) That a large number of ballots lawfully cast for the contestant, Wilson, were not counted for him but were utterly ignored by various election boards in making up the count, and they were not returned for contestant, to whom they rightfully belonged.

(c) That many ballots in many precincts, duly marked and cast for the contestant, were rejected by the respective election boards and not counted at all.

(d) That many ballots bearing unlawful and distinguishing marks, many of them in the same handwriting, were illegally and unlawfully counted for the said claimant, VARE.

(e) That many ballots duly marked and cast for this contestant, Wilson, were wholly rejected and thrown out and not counted by many election boards on the unlawful and fraudulent pretext that they were not duly and properly marked for him, whereas in fact they were legally marked and legally cast for this contestant.

(f) Many ballots duly and properly marked and cast for the contestant were rejected and thrown out by many election boards on the illegal and fraudulent pretext that they were defective as bearing distinguishing marks, whereas in truth and in fact they bore no such marks and should have been counted for the contestant, Wilson.

(g) That in various election precincts or divisions votes were returned as cast for the claimant, whereas no such votes were cast and such pretended votes so returned represented no voter or voters in fact.

(h) That in various election precincts of the Commonwealth various persons not entitled to vote under the laws of the State were permitted to vote and of such votes so cast the said claimant was returned as having received a large number thereof.

(i) Many ballots duly and legally marked and cast for the contestant, Wilson, were erroneously thrown out and not counted for the contestant by many of said election boards under erroneous interpretation of their duty.

(j) In many of the counties of the State the board of canvassers made and reported their results without having or examining poll books and tally sheets, nor in any way verifying the number of original votes as cast or the number of voters depositing their ballots at the respective precincts; the said contestant further alleging on information and belief avers that these conditions and those referred to in the preceding paragraphs were, and are, of common knowledge and notoriety, particularly in the counties of Philadelphia and Allegheny, and of corruptive influence in the counties of Delaware, Lackawanna, Luzerne, and Schuylkill, nor does this contestant confine his averments on information and belief to the counties named. On the contrary, he does not hesitate to declare on this basis that wherever the allied and amalgamated Republican machines of Pittsburgh and Philadelphia ramified throughout the State, fraud, intimidation, manipulation of the election machinery, and all the vices and devices of such methods were practiced.

(k) That in many counties of the State, especially in Allegheny and Philadelphia, the board of canvassers gave credit as votes cast for the claimant without returns from the officers of the election precincts or divisions properly certified or verified, as required by the laws of the Commonwealth.

(l) That in various precincts of the State, while the election was still in progress and against the provisions of the laws of the Commonwealth, the ballots cast were removed from the polling places prior to being counted, and ballot boxes taken therefrom into the possession of unauthorized persons and opportunity thereby afforded for fraudulent manipulation to such an extent that the votes from such precincts or divisions should be eliminated in determining the result of the election.

(m) That careful investigation has been made by distinguished citizens and civic organizations since said election to ascertain as far as may be detailed facts pertaining to the above averments and as to the conduct of the counting in the said election and as to the care of the ballots, and from such investigations and from other information reaching this contestant and his representatives he avers that the foregoing statements are true to the best of his information and belief.

Said contestant therefore comes to your honorable body, not only in his own behalf but on behalf of the electorate of Pennsylvania and the people of the United States of America. It is his sincere and profound

belief that upon a fair and lawful recount of the ballots legally cast and on the elimination of fraudulent returns he will be shown to be the duly and lawfully elected United States Senator from the Commonwealth of Pennsylvania; and that for all the purposes of truth and justice he therefore prays that your honorable body will so decide.

WILLIAM B. WILSON,  
Contestant.  
CHARLES A. DOUGLAS,  
ROWLAND B. MAHANY,  
DAVID WALLERSTEIN,  
Counsel.

DISTRICT OF COLUMBIA, ss:

William B. Wilson, being first duly sworn, upon oath deposes and says that he is the contestant named in the foregoing matter; that he has read the foregoing statement and knows the contents thereof; that the matters and things as therein set forth are true.

WILLIAM B. WILSON.

Subscribed and sworn to before me this 25th day of February, 1927.

[SEAL.]

EUGENE COLWELL,  
Notary Public, D. C.

(My commission expires December 4, 1930.)

#### NATIONAL-ORIGINS QUOTAS UNDER IMMIGRATION ACT

Mr. NEELY resumed his speech. After having spoken for a few minutes,

#### SECOND DEFICIENCY APPROPRIATION BILL

Mr. WARREN. Mr. President, will the Senator from West Virginia yield to me?

Mr. NEELY. For what purpose?

Mr. WARREN. I wish to make a request for unanimous consent.

Mr. NEELY. I will yield for that purpose, provided I do not thereby lose the floor.

Mr. WARREN. I thank the Senator. I now ask unanimous consent that the second deficiency appropriation bill shall be taken up as it has been reported here from the committee, together with about 12 amendments which are as necessary as the other provisions of the bill and which have all been considered and recommended by the committee, and that its consideration shall be proceeded with immediately, without debate, in order that we may get action by the House of Representatives and try, as a dernier resort, perhaps, to get this bill to the President by 12 o'clock.

The VICE PRESIDENT. Is there objection?

Mr. WALSH of Massachusetts. Mr. President, I am for liberty first and appropriation bills second. I object and demand that the President of the United States shall call an extra session of this Congress to find out whether two-thirds of this body can function or not. Because I want liberty before appropriations, I object.

Mr. WARREN. But the President is not likely to call an extra session.

The VICE PRESIDENT. Objection is made.

#### NATIONAL-ORIGINS QUOTAS UNDER IMMIGRATION ACT

Mr. NEELY resumed his speech. After having spoken for a few minutes,

#### BUSINESS ON THE VICE PRESIDENT'S DESK

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Kansas?

Mr. NEELY. I have said I would not yield further, but I will break my word for the Senator from Kansas.

Mr. CURTIS. Mr. President, there are a number of important matters on the table of the President of the Senate that ought to be handed down. They are privileged matters.

Mr. NEELY. I am not going to continue long. I will be through in 10 minutes if I may proceed without interruption.

Mr. CURTIS. Will not the Senator consent now that the Vice President may lay before the Senate the matters on his table to which I refer?

Mr. NEELY. I will consent at the end of 10 minutes, and if that is not soon enough, I will consent now.

Mr. CURTIS. I think it will only take a few moments.

Mr. NEELY. Very well. I do not wish to obstruct business.

The VICE PRESIDENT. There are on the desk certain messages from the House of Representatives which the Chair desires to lay before the Senate.

Mr. NEELY. I will yield if I do not lose the floor.

Mr. REED of Missouri. Mr. President, a parliamentary inquiry. Will that displace the pending business?

The VICE PRESIDENT. It will not displace the pending unfinished business. The matters which the Chair is about to lay before the Senate are privileged.



Mr. REED of Pennsylvania. Will the action of the Chair in laying them before the Senate displace my motion to consider the veto message on the McNary-Haugen bill?

The VICE PRESIDENT. It will not displace that motion.

#### PUBLIC LANDS IN ALASKA

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3963) to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon, which were—

Page 2, line 17, after "Agriculture," insert "and outside of national parks and monuments."

Page 4, strike out lines 2 and 3 and insert "(1) natives, (2) other occupants of the range, and (3) settlers over all other applicants."

Page 6, line 23, after "termination," insert "of his lease."

Page 8, strike out lines 1 to 5, inclusive, and insert:

"(c) The Secretary may in his discretion grant a permit or lease for a grazing allotment without charge on unallotted public lands to any Eskimo or other native or half-breed. Whenever such native or half-breed grazes his livestock through cooperative agreement on allotment held by other lessee or permittee, any grazing fees charged for said allotment shall be reduced in proportion to the relative number of such native-owned livestock to the total number on said allotment."

Page 9, strike out lines 9 to 12, inclusive, and insert:

"(b) The Secretary of Agriculture is authorized to continue investigations, experiments, and demonstrations for the welfare, improvement, and increase of the reindeer industry in Alaska, and upon the request of the Secretary of the Interior to cooperate in matters pertaining to the care of plant and animal life, including reindeer."

Mr. JONES of Washington. Mr. President, these amendments merely clarify the language of the bill as passed by the Senate. I move that the Senate concur in the House amendment: and I hope that motion will be agreed to.

The VICE PRESIDENT. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

#### ANNIVERSARY OF THE MEETING OF THE CONTINENTAL CONGRESS AT YORK, PA.

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 56, which was considered and agreed to, as follows:

*Resolved, etc.,* That a committee of Congress, consisting of eight members and the Presiding Officers of the two Houses as members ex officio, four Senators to be appointed by the Presiding Officer of the Senate and four Members of the House of Representatives by the Speaker, be appointed to join and participate in the celebration as representing the Congress of the United States in the observance of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, to be held in the city of York, Pa., September 30, 1927: *Provided*, That members of said committee shall be paid their actual expenses, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

The VICE PRESIDENT subsequently appointed Mr. FESS, Mr. CARAWAY, Mr. MOSES, and Mr. SWANSON as the members of the committee on the part of the Senate.

#### BIOGRAPHICAL CONGRESSIONAL DIRECTORY

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 53, which was considered and agreed to, as follows:

*Resolved, etc.,* That House Concurrent Resolution 43, adopted on February 6, 1925, providing for the printing of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, be, and is hereby, rescinded, and that in lieu thereof there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, a revised edition of the Biographical Directory of the American Congress up to and including the Sixty-ninth Congress (1774-1927); and that 6,500 additional copies shall be printed, of which 4,400 copies shall be for the use of the House of Representatives, 1,600 copies for the use of the Senate, and 500 copies for the use of the Joint Committee on Printing.

#### REDUCTION OF FREIGHT RATES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3286) to authorize reduced freight rates in cases of emergency, which were, on page 2, after line 3, to insert:

That paragraph (2) of section 3 of the interstate commerce act, as amended, is amended to read as follows:

"(2) No carrier by railroad subject to the provisions of this act shall deliver or relinquish possession at destination of any freight transported by it until after all tariff rates and charges thereon have

been paid, except under such rules and regulations as the commission may from time to time prescribe to govern the settlement of all such rates and charges and to prevent unjust discrimination: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia. Where carriers by railroad are instructed by a shipper or consignor to deliver property transported by such carriers to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of such property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in the property, and (b) prior to delivery of the property has notified the delivery carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of the property. In such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner, shall be liable for such additional charges, irrespective of any provisions to the contrary in the bill of lading or in the contract under which the shipment was made. An action for the enforcement of such liability may be begun within the period provided in paragraph (3) of section 16 or before the expiration of six months after final judgment against the carrier in an action against the consignee begun within the period provided in paragraph (3) of section 16. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges, notwithstanding the foregoing provisions of this paragraph. An action for the enforcement of such liability may be begun within the period provided in paragraph (3) of section 16 or before the expiration of six months after final judgment against the carrier in an action against the beneficial owner named by the consignee begun within the period provided in paragraph (3) of section 16."

SEC. 2. Paragraph (7) of section 15 of the interstate commerce act, as amended, is amended to read as follows:

"(7) Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the commission, upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than seven months beyond the time when it would otherwise go into effect; and after full hearing, whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period; but in case of a proposed increased rate or charge for or in respect to the transportation of property, the commission may by order require the interested carrier or carriers to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid, such portion of such increased rates or charges as by its decision shall be found not justified. At any hearing involving a rate, fare, or charge increased after January 1, 1910, or of a rate, fare, or charge sought to be increased after the passage of this act, the burden of proof to show that the increased rate, fare, or charge, or proposed increased rate, fare, or charge, is just and reasonable shall be upon the carrier, and the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible."

SEC. 3. Paragraphs (11) and (12) of section 20 of the interstate commerce act, as amended, are amended to read as follows:

"(11) That any common carrier, railroad, or transportation company subject to the provisions of this act receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, District of Co-

lumbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever, shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in the United States to a point in an adjacent foreign country, or for transportation wholly within a Territory, or any common carrier, railroad, or transportation company delivering said property so received and transported, shall be liable to the lawful holder of said receipt or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made is hereby declared to be unlawful and void: *Provided*, That if the loss, damage, or injury occurs while the property is in the custody of a carrier by water the liability of such carrier shall be determined by and under the laws and regulations applicable to transportation by water, and the liability of the initial or delivering carrier shall be the same as that of such carrier by water: *Provided, however*, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first, to baggage carried on passenger trains or boats, or trains or boats carrying passengers; second, to property, except ordinary livestock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Interstate Commerce Commission to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not, so far as relates to values, be held to be a violation of section 10 of this act to regulate commerce, as amended; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared and agreed upon; and the commission is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term 'ordinary livestock' shall include all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses: *Provided further*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: *Provided further*, That all actions brought under and by virtue of this paragraph against the delivering carrier shall be brought, and may be maintained, if in a district court of the United States, only in a district, and if in a State court, only in a State, through or into which the defendant carrier operates a line of railroad: *Provided further*, That it shall be unlawful for any such receiving or delivering common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than 90 days, for the filing of claims than four months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice: *Provided, however*, That if the loss, damage, or injury complained of was due to carelessness or negligence while the property was in transit, or while the property was being loaded or unloaded, or was due to unreasonable delay in transit or in loading or unloading, then no notice of claim or filing of claim shall be required as a condition precedent to recovery, but in no case under this proviso shall suit be instituted after three years from the time such cause of action accrued: *And provided further*, That for the purposes of the paragraph and of paragraph (12) the delivering carrier shall be con-

strued to be the carrier performing the line-haul service nearest to the point of destination and not a carrier performing merely a switching service at the point of destination: *And provided further*, That the liability imposed by this paragraph shall also apply in the case of property reconsigned or diverted in accordance with the applicable tariffs filed as in this act provided.

"(12) That the common carrier, railroad, or transportation company issuing such receipt or bill of lading, or delivering such property so received and transported, shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof."

Sec. 4. Section 204 of the transportation act, 1920, is amended by adding at the end thereof a new subdivision to read as follows:

"(h) This section shall not be applicable to any carrier which has not, on or before the expiration of 60 days after this subdivision takes effect, filed with the commission a statement, compiled substantially in the manner prescribed in this section, showing the amount claimed to be due such carrier under this section."

Sec. 5. Section 206 of the transportation act, 1920, as amended, is amended by adding at the end thereof a new subdivision to read as follows:

"(j) All actions at law and claims by or on behalf of the United States for the recovery of any charges, or any part thereof, for services rendered during the period of Federal control by any railroad or system of transportation possessed, used, or operated by the President (under the provisions of the Federal control act, or the act of August 29, 1916), shall be begun or made before the expiration of 90 days after this subdivision takes effect, and not after."

Sec. 6. Section 22 of the act entitled "An act relating to bills of lading in interstate and foreign commerce," approved August 29, 1916, is amended to read as follows:

"Sec. 22. That if a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the receiving of goods and issuing bills of lading therefor for transportation in commerce among the several States and with foreign nations, the carrier shall be liable to (a) the owner of goods covered by a straight bill subject to existing right of stoppage in transitu or (b) the holder of an order bill, who has given value in good faith, relying upon the description therein of the goods, or upon the shipment being made upon the date therein shown, for damages caused by the nonreceipt by the carrier of all or part of the goods upon or prior to the date therein shown, or their failure to correspond with the description thereof in the bill at the time of its issue."

And to amend the title so as to read: "An act to amend the interstate commerce act and the transportation act, 1920, and for other purposes."

Mr. MAYFIELD. I move that the Senate concur in the House amendments.

The motion was agreed to.

#### INDIAN CLAIMS BEFORE THE COURT OF CLAIMS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2202) to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes, which were to strike out all after the enacting clause and insert:

That the plaintiffs or complainants in suit No. 33731 in the Court of Claims of the United States be, and they are hereby, granted one year within which to appeal from any or all orders, judgments, or decrees rendered against them in the trial of said action heretofore had: *Provided*, That the time within which said appeal may be taken shall begin to run with the date of the approval of this act.

And to amend the title so as to read: "An act to grant the right and time for appeal to plaintiffs in suit No. 33731 in the Court of Claims of the United States."

Mr. FRAZIER. I move that the Senate concur in the House amendments.

The motion was agreed to.

#### MONUMENT TO GEN. SIMON BOLIVAR

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2643) to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar, which was, on page 1, line 3, after the word "hereby," to insert "authorize to be."



Mr. FESS. I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. WALSH of Massachusetts. I want it distinctly understood—I thought my remarks made it plain—that I do not propose to be lashed into passing laws in the last hour of this session, and that I object to this and every other request to pass bills under duress, under force. I do not propose that Massachusetts shall be deprived of the right of a free vote and a free voice here by the obstructing methods of Pennsylvania or any other State or combination of two or three States. I object.

Mr. LENROOT. Mr. President, is not a motion to concur in order?

The VICE PRESIDENT. The Chair will state to the Senator from Massachusetts that these are matters which under the rules are privileged, consisting of messages from the House of Representatives, and so forth.

Mr. WALSH of Massachusetts. I thank the Chair. I do not propose to make any objection to anything of that kind. What I am trying to do is to impress upon the country that this body sooner or later has got to become a legislative body that can not be held up by a small group of Senators and made to pass legislation by force in the last hours of a Congress.

Mr. KING. Mr. President, regular order.

The VICE PRESIDENT. The Chair will say that he agrees with the Senator from Massachusetts, as to the necessity of reforming of the Senate rules. [Laughter.] The matters, however, which are now being laid before the Senate have been considered by both Houses, and, under any change in the rules, they will have exactly the same position. They are, moreover, matters of particular interest and in the last stages of the process of legislation. Does the Senator object?

Mr. WALSH of Massachusetts. No; I do not object to that.

#### LICENSES ON THE COLORADO RIVER

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 4) to suspend until February 1, 1928, the jurisdiction, power, and authority of the Federal Power Commission to issue licenses on the Colorado River and its tributaries under the Federal water power act, approved June 10, 1920, which were to strike out the preamble; to strike out all after the enacting clause and insert:

That the Federal Power Commission is hereby directed not to issue or approve any permits or licenses under the provisions of the act of Congress approved June 10, 1920, known as the Federal water power act, upon or affecting the Colorado River or any of its tributaries, in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California, until and unless the Colorado River compact, signed at Santa Fe, N. Mex., November 24, 1922, pursuant to act of Congress approved August 19, 1921, has been approved by the Congress of the United States, or in the event that said compact is not sooner approved, until March 5, 1929.

And to amend the title so as to read: "An act restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries."

Mr. PHIPPS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

#### FARMERS' COOPERATIVE ASSOCIATIONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2965) to prevent discrimination against farmers' cooperative associations by boards of trade and similar organizations, and for other purposes, which were—

Page 1, line 5, after the word "products," insert "food products of."

Page 1, line 5, strike out "and the products thereof."

Page 2, line 5, after the word "consignment," insert a comma and "except markets designated as contract markets under the grain futures act."

Mr. CAPPER. I move that the Senate concur in the House amendments.

The motion was agreed to.

#### REFUND TO THE COLUMBIA HOSPITAL FOR WOMEN, ETC.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2729) to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum, which were, on page 1, line 4, to strike out "refund" and insert "pay"; on page 1, to strike out lines 6 to 12, inclusive, and insert "as a contribu-

tion to the maintenance of that hospital"; on page 2, line 3, to strike out "60 per cent"; and on page 2, line 4, to strike out "40 per cent from any money."

Mr. PHIPPS. I move that the Senate concur in the House amendments.

The motion was agreed to.

#### FERRYBOAT "NEW YORK"

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3665) for the relief of the owner of the ferryboat *New York*, which was, on page 2, line 6, to strike out all after "States" down to and including "act" in line 9, and insert "upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal, except that no interest shall be allowed on any claim."

Mr. COPELAND. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### NATIONAL ARBORETUM

Mr. McNARY. I present a conference report on Senate bill 1640.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the Senate bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Line 14, section 1 of amendment, strike out the word "total" and immediately after the word "of" insert the following words: "any part of," line 15, strike out the words "of the total," making this portion read as follows: "the Secretary of Agriculture is authorized, in his discretion, to acquire, within the limits of the appropriation authorized by this act by private purchase or gift, land so located or other land within or adjacent to the District of Columbia: *Provided*, That the purchase price of any part of said land shall not exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value"; and the House agree to the same.

CHAS. L. McNARY,  
G. W. NORRIS,  
E. D. SMITH,

*Managers on the part of the Senate.*

G. N. HAUGEN,  
FRED S. PURNELL,  
JAMES B. ASWELL,

*Managers on the part of the House.*

Mr. McNARY. I move the adoption of the report.  
The report was agreed to.

#### BUILDING FOR NEW YORK CUSTOMHOUSE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5339) to authorize the Secretary of the Treasury to enter into a lease of a suitable building for customs purposes in the city of New York, which was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is authorized to enter into a contract, on behalf of the United States, to purchase, upon completion, a building to be erected (in accordance with plans and specifications approved by the Secretary of the Treasury and containing not less than 989,000 square feet) upon the plot of ground known as block 581, bounded by Varick, King, Hudson, and West Houston Streets, as shown on the land map of the Borough of Manhattan, city of New York, together with such plot of ground. The total cost to the United States of such building and plot of ground shall not exceed \$8,000,000. Such building shall be for the use of the United States appraiser of merchandise, United States Customs Court, and other governmental officers in the city of New York; and the Secretary of the Treasury may, if he deems it to the best interests of the Government, lease or sell, upon such terms and conditions as he deems advisable, the premises located at 641 Washington Street, New York City, now occupied by customs officers and other officers of the United States.

Sec. 2. In the event that the Secretary of the Treasury is unable to enter into such contract, he is authorized to acquire such plot by condemnation as a site for a building for such purposes.

The title was amended so as to read: "A bill to authorize the Secretary of the Treasury to enter into a contract to purchase, upon completion, a suitable building for customs and other governmental purposes in the city of New York."

Mr. SMOOT. I move that the Senate concur in the House amendment.

Mr. OVERMAN. Is that for a public building in New York?  
Mr. SMOOT. It has reference to leasing a building for customs purposes in New York City.

Mr. OVERMAN. I object to that.

The VICE PRESIDENT. Objection is made.

Mr. OVERMAN subsequently withdrew his objection, and Mr. Smoot's motion was agreed to.

#### POSTAGE RATE ON PRIVATE MAILING CARDS

Mr. MOSES. I present a conference report on House bill 13446.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13446) to restore the rate of postage of 1 cent each to private mailing or post cards, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: On page 3, strike out all of lines 4 to 13, inclusive, and insert in lieu thereof the following:

"(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

"For the first and second zones, 1½ cents.

"For the third zone, 2½ cents.

"For the fourth zone, 4 cents.

"For the fifth zone, 4¾ cents.

"For the sixth zone, 5½ cents.

"For the seventh zone, 7 cents.

"For the eighth zone, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 7¾ cents."

On page 3, in line 19, strike out "1½" and insert in lieu thereof "1½."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 5, strike out all of lines 16, 17, and 18, and insert in lieu thereof the following:

"(b) The rate of postage thereon shall be 1¼ cents for each 2 ounces or fraction thereof, up to and including 8 ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants, not exceeding 8 ounces in weight, shall be 1 cent for each 2 ounces or fraction thereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: On page 6, strike out all of lines 14 to 18, inclusive, and insert in lieu thereof the following:

"(b) On fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the act of August 24, 1912, and amendments thereto, and in addition thereto there shall be a service charge for each parcel, except upon parcels or packages collected on rural delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General, for delivery within the eight postal zones established for fourth-class matter, as follows:

"For the first, second, and third zones, 2 cents.

"For the fourth, fifth, sixth, seventh, and eighth zones, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 1 cent."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an

amendment as follows: On page 10, at the end of line 6, strike out the period, insert a colon, and add the following proviso: "Provided, That this act shall become effective on July 1, 1927"; and the Senate agree to the same.

The conferees agree to the Senate amendment to the title.

GEO. H. MOSES,

L. C. PHIPPS,

*Managers on the part of the Senate.*

W. W. GRIEST,

C. W. RAMSEYER,

A. D. SANDERS,

THOS. M. BELL,

A. B. ROUSE,

*Managers on the part of the House.*

Mr. MOSES. I ask for the adoption of the report.

The VICE PRESIDENT. Without objection—

Mr. McKELLAR. I object.

Mr. HARRISON. Mr. President—

The VICE PRESIDENT. The Senator from Mississippi.

Mr. HARRISON. I was going to object.

The VICE PRESIDENT. It is still open to objection.

Mr. HARRISON. I object.

The VICE PRESIDENT. The Senator from Mississippi objects.

#### COMPENSATION OF INJURED MARITIME EMPLOYEES

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3170) to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes, which was to strike out all after the enacting clause and to insert:

#### SHORT TITLE

SECTION 1. This act may be cited as "longshoremen's and harbor workers' compensation act."

#### DEFINITIONS

SEC. 2. When used in this act—

(1) The term "person" means individual, partnership, corporation, or association.

(2) The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

(3) The term "employee" does not include a master or member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net.

(4) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock).

(5) The term "carrier" means any person or fund authorized under section 32 to insure under this act and includes self-insurers.

(6) The term "commission" means the United States Employees' Compensation Commission.

(7) The term "deputy commissioner" means the deputy commissioner having jurisdiction in respect of an injury or death.

(8) The term "State" includes a Territory and the District of Columbia.

(9) The term "United States" when used in a geographical sense means the several States and Territories and the District of Columbia, including the territorial waters thereof.

(10) "Disability" means incapacity because of injury to earn the wages which the employee was receiving at the time of injury in the same or any other employment.

(11) "Death" as a basis for a right to compensation means only death resulting from an injury.

(12) "Compensation" means the money allowance payable to an employee or to his dependents as provided for in this act and includes funeral benefits provided therein.

(13) "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the injury, including the reasonable value of board, rent, housing, lodging, or similar advantage received from the employer, and gratuities received in the course of employment from others than the employer.

(14) "Child" shall include a posthumous child, a child legally adopted prior to the injury of the employee, and a stepchild or acknowledged illegitimate child dependent upon the deceased, but does not include married children unless wholly dependent on him. "Grandchild" means a child as above defined of a child as above defined. "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but does not include married brothers nor married sisters unless wholly dependent on the employee. "Child," "grandchild," "brother," and "sister" include



only persons who at the time of the death of the deceased employee are under 18 years of age.

(15) The term "parent" includes step-parents and parents by adoption, parents-in-law, and any person who for more than three years prior to the death of the deceased employee stood in the place of a parent to him, if dependent on the injured employee.

(16) The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death; or living apart for justifiable cause or by reason of his desertion at such time.

(17) The term "widower" includes only the decedent's husband who at the time of her death lived with her and was dependent for support upon her.

(18) The terms "adoption" or "adopted" mean legal adoption prior to the time of the injury.

(19) The singular includes the plural and the masculine includes the feminine and neuter.

#### COVERAGE

SEC. 3. (a) Compensation shall be payable under this act in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States (including any dry dock) and if recovery for the disability or death through workmen's compensation proceedings may not validly be provided by State law. No compensation shall be payable in respect of the disability or death of—

(1) A master or member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net; or

(2) An officer or employee of the United States or any agency thereof or of any State or foreign government, or of any political subdivision thereof.

(b) No compensation shall be payable if the injury was occasioned solely by the intoxication of the employee or by the willful intention of the employee to injure or kill himself or another.

#### LIABILITY FOR COMPENSATION

SEC. 4. (a) Every employer shall be liable for and shall secure the payment to his employees of the compensation payable under sections 7, 8, and 9. In the case of an employer who is a subcontractor, the contractor shall be liable for and shall secure the payment of such compensation to employees of the subcontractor unless the subcontractor has secured such payment.

(b) Compensation shall be payable irrespective of fault as a cause for the injury.

#### EXCLUSIVENESS OF LIABILITY

SEC. 5. The liability of an employer prescribed in section 4 shall be exclusive and in place of all other liability of such employer to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this act, an injured employee, or his legal representative in case death results from the injury, may elect to claim compensation under this act, or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant, nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

#### TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 6. (a) No compensation shall be allowed for the first seven days of the disability, except the benefits provided for in section 7: *Provided, however*, That in case the injury results in disability of more than 49 days the compensation shall be allowed from the date of the disability.

(b) Compensation for disability shall not exceed \$25 per week nor be less than \$8 per week: *Provided, however*, That if the employee's wages at the time of injury are less than \$8 per week he shall receive his full weekly wages.

#### MEDICAL SERVICES AND SUPPLIES

SEC. 7. (a) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for such period as the nature of the injury or the process of recovery may require. If the employer fails to provide the same, after request by the injured employee, such injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide the same; nor shall any claim for medical or surgical treatment be valid and enforceable as against such employer unless within 20 days following the first treatment the physician giving such treatment furnish to the employer and

the deputy commissioner a report of such injury and treatment, on a form prescribed by the commission.

(b) Whenever in the opinion of the deputy commissioner a physician has not impartially estimated the degree of permanent disability or the extent of temporary disability of any injured employee, the deputy commissioner shall have the power to cause such employee to be examined by a physician selected by the deputy commissioner and to obtain from such physician a report containing his estimate of such disabilities. If the report of such physician shows that the estimate of the physician has not been impartial from the standpoint of such employee, the deputy commissioner shall have the power in his discretion to charge the cost of such examination to the employer, if he is a self-insurer, or to the insurance company which is carrying the risk.

(c) All fees and other charges for such treatment or service shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living, and shall be subject to regulation by the deputy commissioner.

#### COMPENSATION FOR DISABILITY

SEC. 8. Compensation for disability shall be paid to the employee as follows:

(a) Permanent total disability: In case of total disability adjudged to be permanent 66% per cent of the average weekly wages shall be paid to the employee during the continuance of such total disability. Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts.

(b) Temporary total disability: In case of disability total in character but temporary in quality 66% per cent of the average weekly wages shall be paid to the employee during the continuance thereof.

(c) Permanent partial disability: In case of disability partial in character but permanent in quality the compensation shall be 66% per cent of the average weekly wages and shall be paid to the employee as follows:

- (1) Arm lost, 312 weeks' compensation.
- (2) Leg lost, 288 weeks' compensation.
- (3) Hand lost, 244 weeks' compensation.
- (4) Foot lost, 205 weeks' compensation.
- (5) Eye lost, 160 weeks' compensation.
- (6) Thumb lost, 75 weeks' compensation.
- (7) First finger lost, 46 weeks' compensation.
- (8) Great toe lost, 38 weeks' compensation.
- (9) Second finger lost, 30 weeks' compensation.
- (10) Third finger lost, 25 weeks' compensation.
- (11) Toe other than great toe lost, 16 weeks' compensation.
- (12) Fourth finger lost, 15 weeks' compensation.
- (13) Loss of hearing: Compensation for loss of hearing of one ear, 52 weeks. Compensation for loss of hearing of both ears, 200 weeks.
- (14) Phalanges: Compensation for loss of more than one phalange of a digit shall be the same as for loss of the entire digit. Compensation for loss of the first phalange shall be one-half of the compensation for loss of the entire digit.
- (15) Amputated arm or leg: Compensation for an arm or a leg, if amputated at or above the elbow or the knee, shall be the same as for a loss of the arm or leg; but if amputated between the elbow and the wrist or the knee and the ankle, shall be the same as for loss of a hand or foot.

(16) Binocular vision or per cent of vision: Compensation for loss of binocular vision or for 80 per cent or more of the vision of an eye shall be the same as for loss of the eye.

(17) Two or more digits: Compensation for loss of two or more digits, or one or more phalanges of two or more digits, of a hand or foot may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for loss of a hand or foot.

(18) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(19) Partial loss or partial loss of use: Compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member.

(20) Disfigurement: The deputy commissioner shall award proper and equitable compensation for serious facial or head disfigurement, not to exceed \$3,500.

(21) Other cases: In all other cases in this class of disability the compensation shall be 66% per cent of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, payable during the continuance of such partial disability, but subject to reconsideration of the degree of such impairment by the deputy commissioner on his own motion or upon application of any party in interest.

(22) In case of temporary total disability and permanent partial disability, both resulting from the same injury, if the temporary total disability continues for a longer period than the number of weeks set forth in the following schedule, the period of temporary total dis-

ability in excess of such number of weeks shall be added to the compensation period provided in subdivision (c) of this section: Arm, 32 weeks; leg, 40 weeks; hand, 32 weeks; foot, 32 weeks; eye, 20 weeks; thumb, 24 weeks; first finger, 18 weeks; great toe, 12 weeks; second finger, 12 weeks; third finger, 8 weeks; fourth finger, 8 weeks; toe other than great toe, 8 weeks.

In any case resulting in loss or partial loss of use of arm, leg, hand, foot, eye, thumb, finger, or toe, where the temporary total disability does not extend beyond the periods above mentioned for such injury, compensation shall be limited to the schedule contained in subdivision (c).

(d) Any compensation to which any claimant would be entitled under subdivision (c) excepting subdivision (c-21) shall, notwithstanding death arising from causes other than the injury, be payable to and for the benefit of the persons following:

(1) If there be a surviving wife or dependent husband and no child of the deceased under the age of 18 years, to such wife or dependent husband.

(2) If there be a surviving wife or dependent husband and surviving child or children of the deceased under the age of 18 years, one half shall be payable to the surviving wife or dependent husband and the other half to the surviving child or children.

(3) The deputy commissioner may in his discretion require the appointment of a guardian for the purpose of receiving the compensation of the minor child. In the absence of such a requirement the appointment for such a purpose shall not be necessary.

(4) If there be a surviving child or children of the deceased under the age of 18 years, but no surviving wife or dependent husband, then to such child or children.

(5) An award for disability may be made after the death of the injured employee.

(e) Temporary partial disability: In case of temporary partial disability resulting in decrease of earning capacity the compensation shall be two-thirds of the difference between the injured employee's average weekly wages before the injury and his wage-earning capacity after the injury in the same or another employment, to be paid during the continuance of such disability, but shall not be paid for a period exceeding five years.

(f) Injury increasing disability: (1) If an employee receive an injury which of itself would only cause permanent partial disability but which, combined with a previous disability, does in fact cause permanent total disability, the employer shall provide compensation only for the disability caused by the subsequent injury: *Provided, however,* That in addition to compensation for such permanent partial disability, and after the cessation of the payments for the prescribed period of weeks, the employee shall be paid the remainder of the compensation that would be due for permanent total disability. Such additional compensation shall be paid out of the special fund established in section 44.

(2) In all other cases in which, following a previous disability, an employee receives an injury which is not covered by (1) of this subdivision, the employer shall provide compensation only for the disability caused by the subsequent injury. In determining compensation for the subsequent injury or for death resulting therefrom, the average weekly wages shall be such sum as will reasonably represent the earning capacity of the employee at the time of the subsequent injury.

(g) Maintenance for employees undergoing vocational rehabilitation: An employee who as a result of injury is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the commission as provided by section 39 (c) of this act, is being rendered fit to engage in a remunerative occupation, shall receive additional compensation necessary for his maintenance, but such additional compensation shall not exceed \$10 a week. The expense shall be paid out of the special fund established in section 44.

#### COMPENSATION FOR DEATH

SEC. 9. If the injury causes death, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:

(a) Reasonable funeral expenses not exceeding \$200.

(b) If there be a surviving wife or dependent husband and no child of the deceased under the age of 18 years, to such wife or dependent husband 35 per cent of the average wages of the deceased, during widowhood, or dependent widowhood with two years' compensation in one sum upon remarriage; and if there be a surviving child or children of the deceased under the age of 18 years, the additional amount of 10 per cent of such wages for each such child until the age of 18 years; in case of the death or remarriage of such surviving wife or dependent husband any surviving child of the deceased employee, at the time under 18 years of age, shall have his compensation increased to 15 per cent of such wage, and the same shall be payable until he shall reach the age of 18 years: *Provided,* That the total amount payable shall in no case exceed 66% per cent of such wages. The deputy commissioner having jurisdiction over the claim may, in his discretion, require the appointment of a guardian for the purpose of receiving the compensation of a minor child. In the absence of such a require-

ment the appointment of a guardian for such purposes shall not be necessary.

(c) If there be a surviving child or children of the deceased under the age of 18 years, but no surviving wife or dependent husband, then for the support of each such child under the age of 18 years, 15 per cent of the wages of the deceased: *Provided,* That the aggregate shall in no case exceed 66% per cent of such wages.

(d) If there be no surviving wife or dependent husband or child under the age of 18 years, or if the amount payable to a surviving wife or dependent husband and to children under the age of 18 years shall be less in the aggregate than 66% per cent of the average wages of the deceased, then for the support of grandchildren or brothers and sisters under the age of 18 years, if dependent upon the deceased at the time of the injury, 15 per cent of such wages for the support of each such person until the age of 18 years and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the injury, 25 per cent of such wages during such dependency. But in no case shall the aggregate amount payable under this subdivision exceed the difference between 66% per cent of such wages and the amount payable as hereinbefore provided to surviving wife or dependent husband and for the support of surviving child or children.

(e) In computing death benefits the average weekly wages of the deceased shall be considered to have been not more than \$37.50 nor less than \$12, but the total weekly compensation shall not exceed the weekly wages of the deceased.

(f) All questions of dependency shall be determined as of the time of the injury.

(g) Aliens: Compensation under this chapter to aliens not residents (or about to become nonresidents) of the United States or Canada shall be the same in amount as provided for residents, except that dependents in any foreign country shall be limited to surviving wife and child or children, or if there be no surviving wife or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of one year prior to the date of the injury, and except that the commission may, at its option or upon the application of the insurance carrier shall, commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the commission.

#### DETERMINATION OF PAY

SEC. 10. Except as otherwise provided in this act, the average weekly wage of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation and shall be determined as follows:

(a) If the injured employee shall have worked in the employment in which he was working at the time of the injury, whether for the same or another employer, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he shall have earned in such employment during the days when so employed.

(b) If the injured employee shall not have worked in such employment during substantially the whole of such year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or in similar employment in the same or a neighboring place shall have earned in such employment during the days when so employed.

(c) If either of the foregoing methods of arriving at the annual average earnings of an injured employee can not reasonably and fairly be applied, such annual earnings shall be such sum as, having regard to the previous earnings of the injured employee and of other employees of the same or most similar class, working in the same or most similar employment in the same or neighboring locality, shall reasonably represent the annual earning capacity of the injured employee in the employment in which he was working at the time of the injury.

(d) The average weekly wages of an employee shall be one fifty-second part of his average annual earnings.

(e) If it be established that the injured employee was a minor when injured, and that under normal conditions his wages should be expected to increase during the period of disability, the fact may be considered in arriving at his average weekly wages.

#### GUARDIAN FOR MINOR OR INCOMPETENT

SEC. 11. The deputy commissioner may require the appointment by a court of competent jurisdiction, for any person who is mentally incompetent or a minor, of a guardian or other representative to receive compensation payable to such person under this act and to exercise the powers granted to or to perform the duties required of such person under this act.

#### NOTICE OF INJURY OR DEATH

SEC. 12. (a) Notice of an injury or death in respect of which compensation is payable under this act shall be given within 30 days after the date of such injury or death (1) to the deputy commissioner in



the compensation district in which such injury occurred and (2) to the employer.

(b) Such notice shall be in writing, shall contain the name and address of the employee and a statement of the time, place, nature, and cause of the injury or death, and shall be signed by the employee or by some person on his behalf, or in case of death, by any person claiming to be entitled to compensation for such death or by a person on his behalf.

(c) Notice shall be given to the deputy commissioner by delivering it to him or sending it by mail addressed to his office, and to the employer by delivering it to him or by sending it by mail addressed to him at his last known place of business. If the employer is a partnership, such notice may be given to any partner, or if a corporation, such notice may be given to any agent or officer thereof upon whom legal process may be served or who is in charge of the business in the place where the injury occurred.

(d) Failure to give such notice shall not bar any claim under this act (1) if the employer (or his agent in charge of the business in the place where the injury occurred) or the carrier had knowledge of the injury or death and the deputy commissioner determines that the employer or carrier has not been prejudiced by failure to give such notice, or (2) if the deputy commissioner excuses such failure on the ground that for some satisfactory reason such notice could not be given; nor unless objection to such failure is raised before the deputy commissioner at the first hearing of a claim for compensation in respect of such injury or death.

#### TIME FOR FILING OF CLAIMS

SEC. 13. (a) The right to compensation for disability under this act shall be barred unless a claim therefor is filed within one year after the injury, and the right to compensation for death shall be barred unless a claim therefor is filed within one year after the death, except that if payment of compensation has been made without an award on account of such injury or death a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or such death occurred.

(b) Notwithstanding the provisions of subdivision (a) failure to file a claim within the period prescribed in such subdivision shall not be a bar to such right unless objection to such failure is made at the first hearing of such claim in which all parties in interest are given reasonable notice and opportunity to be heard.

(c) If a person who is entitled to compensation under this act is mentally incompetent or a minor, the provisions of subdivision (a) shall not be applicable so long as such person has no guardian or other authorized representative, but shall be applicable in the case of a person who is mentally incompetent or a minor from the date of appointment of such guardian or other representative, or in the case of a minor, if no guardian is appointed before he becomes of age, from the date he becomes of age.

(d) Where recovery is denied to any person, in a suit brought at law or in admiralty to recover damages in respect of injury or death, on the ground that such person was an employee and that the defendant was an employer within the meaning of this act and that such employer had secured compensation to such employee under this act, the limitation of time prescribed in subdivision (a) shall begin to run only from the date of termination of such suit.

#### PAYMENT OF COMPENSATION

SEC. 14. (a) Compensation under this act shall be paid periodically, promptly, and directly to the person entitled thereto, without an award, except where liability to pay compensation is controverted by the employer.

(b) The first installment of compensation shall become due on the fourteenth day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Thereafter compensation shall be paid in installments, semi-monthly, except where the deputy commissioner determines that payment in installments should be made monthly or at some other period.

(c) Upon making the first payment, and upon suspension of payment for any cause, the employer shall immediately notify the deputy commissioner, in accordance with a form prescribed by the commission, that payment of compensation has begun or has been suspended, as the case may be.

(d) If the employer controverts the right to compensation he shall file with the deputy commissioner on or before the fourteenth day after he has knowledge of the alleged injury or death, a notice, in accordance with a form prescribed by the commission, stating that the right to compensation is controverted, the name of the claimant, the name of the employer, the date of the alleged injury or death, and the grounds upon which the right to compensation is controverted.

(e) If any installment of compensation payable without an award is not paid within 14 days after it becomes due, as provided in subdivision (b) of this section, there shall be added to such unpaid installment an amount equal to 10 per cent thereof, which shall be paid at the same time as, but in addition to, such installment, unless notice is

filed under subdivision (d) of this section, or unless such nonpayment is excused by the deputy commissioner after a showing by the employer that owing to conditions over which he had no control such installment could not be paid within the period prescribed for the payment.

(f) If any compensation, payable under the terms of an award, is not paid within 10 days after it becomes due, there shall be added to such unpaid compensation an amount equal to 20 per cent thereof, which shall be paid at the same time as but in addition to such compensation, unless review of the compensation order making such award is had as provided in section 21.

(g) Within 16 days after final payment of compensation has been made, the employer shall send to the deputy commissioner a notice, in accordance with a form prescribed by the commission, stating that such final payment has been made, the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid. If the employer fails to so notify the deputy commissioner within such time the commission shall assess against such employer a civil penalty in the amount of \$100.

(h) The deputy commissioner (1) may upon his own initiative at any time in a case in which payments are being made without an award, and (2) shall in any case where right to compensation is controverted, or where payments of compensation have been stopped or suspended, upon receipt of notice from any person entitled to compensation, or from the employer, that the right to compensation is controverted, or that payments of compensation have been stopped or suspended, make such investigations, cause such medical examinations to be made, or hold such hearings, and take such further action as he considers will properly protect the rights of all parties.

(i) Whenever the deputy commissioner deems it advisable he may require any employer to make a deposit with the Treasurer of the United States to secure the prompt and convenient payment of such compensation, and payments therefrom upon any awards shall be made upon order of the deputy commissioner.

(j) Whenever the deputy commissioner determines that it is for the best interests of a person entitled to compensation, the liability of the employer for such compensation may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at 4 per cent true discount compounded annually. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which he is entitled to compensation shall be determined in accordance with the American Experience Table of Mortality. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

(k) If the employer has made advance payments of compensation, he shall be entitled to be reimbursed out of any unpaid installment or installments of compensation due.

(l) An injured employee, or in case of death his dependents or personal representative, shall give receipts for payment of compensation to the employer paying the same, and such employer shall produce the same for inspection by the deputy commissioner, whenever required.

(m) The total compensation payable under this act for injury or death shall in no event exceed the sum of \$7,500.

#### INVALID AGREEMENTS

SEC. 15. (a) No agreement by an employee to pay any portion of premium paid by his employer to a carrier or to contribute to a benefit fund or department maintained by such employer for the purpose of providing compensation or medical services and supplies as required by this act shall be valid, and any employer who makes a deduction for such purpose from the pay of any employee entitled to the benefits of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000.

(b) No agreement by an employee to waive his right to compensation under this act shall be valid.

#### ASSIGNMENT AND EXEMPTION FROM CLAIMS OF CREDITORS

SEC. 16. No assignment, release, or commutation of compensation or benefits due or payable under this act, except as provided by this act, shall be valid, and such compensation and benefits shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived.

#### COMPENSATION A LIEN AGAINST ASSETS

SEC. 17. Compensation shall have the same preference of lien against the assets of the carrier or employer without limit of amount as is now or may hereafter be allowed by law to the claimant for unpaid wages or otherwise.

#### COLLECTION OF DEFAULTED PAYMENTS

SEC. 18. In case of default by the employer in the payment of compensation due under any award of compensation for a period of 30 days after the compensation is due and payable, the person to whom such compensation is payable may, within one year after such default, make application to the deputy commissioner making the compensation order

or a supplementary order declaring the amount of the default. After investigation, notice, and hearing, as provided in section 19, the deputy commissioner shall make a supplementary order, declaring the amount of the default, which shall be filed in the same manner as the compensation order. In case the payment in default is an installment of the award, the deputy commissioner may, in his discretion, declare the whole of the award as the amount in default. The applicant may file a certified copy of such supplementary order with the clerk of the Federal district court for the judicial district in which the employer has his principal place of business or maintains an office, or for the judicial district in which the injury occurred. In case such principal place of business or office or place where the injury occurred is in the District of Columbia, a copy of such supplementary order may be filed with the clerk of the Supreme Court of the District of Columbia. Such supplementary order of the deputy commissioner shall be final, and the court shall upon the filing of the copy enter judgment for the amount declared in default by the supplementary order if such supplementary order is in accordance with law. Review of the judgment so entered may be had as in civil suits for damages at common law. Final proceedings to execute the judgment may be had by writ of execution in the form used by the court in suits at common law in actions of assumpsit. No fee shall be required for filing the supplementary order nor for entry of judgment thereon, and the applicant shall not be liable for costs in a proceeding for review of the judgment unless the court shall otherwise direct. The court shall modify such judgment to conform to any later compensation order upon presentation of a certified copy thereof to the court.

#### PROCEDURE IN RESPECT OF CLAIMS

SEC. 19. (a) Subject to the provisions of section 13, a claim for compensation may be filed with the deputy commissioner in accordance with regulations prescribed by the commission at any time after the first seven days of disability following any injury, or at any time after death, and the deputy commissioner shall have full power and authority to hear and determine all questions in respect of such claim.

(b) Within 10 days after such claim is filed the deputy commissioner, in accordance with regulations prescribed by the commission, shall notify the employer and any other person (other than the claimant), whom the deputy commissioner considers an interested party, that a claim has been filed. Such notice may be served personally upon the employer or other person, or sent to such employer or person by registered mail.

(c) The deputy commissioner shall make or cause to be made such investigations as he considers necessary in respect of the claim, and upon application of any interested party shall order a hearing thereon. If a hearing on such claim is ordered the deputy commissioner shall give the claimant and other interested parties at least 10 days' notice of such hearing, served personally upon the claimant and other interested parties or sent to such claimant and other interested parties by registered mail, and shall within 20 days after such hearing is had, by order, reject the claim or make an award in respect of the claim. If no hearing is ordered within 20 days after notice is given as provided in subdivision (b), the deputy commissioner shall, by order, reject the claim or make an award in respect of the claim.

(d) At such hearing the claimant and the employer may each present evidence in respect of such claim and may be represented by any person authorized in writing for such purpose.

(e) The order rejecting the claim or making the award (referred to in this act as a compensation order) shall be filed in the office of the deputy commissioner, and a copy thereof shall be sent by registered mail to the claimant and to the employer at the last known address of each.

(f) An award of compensation for disability may be made after the death of an injured employee.

(g) After a compensation order has issued in any case the deputy commissioner may transfer such case to any other deputy commissioner for the purpose of taking testimony or making physical examinations.

(h) An injured employee claiming or entitled to compensation shall submit to such physical examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission as the deputy commissioner may require. The place or places shall be reasonably convenient for the employee. Such physician or physicians as the employee, employer, or carrier may select and pay for may participate in an examination if the employee, employer, or carrier so requests. Proceedings shall be suspended and no compensation be payable for any period during which the employee may refuse to submit to examination.

#### PRESUMPTIONS

SEC. 20. In any proceeding for the enforcement of a claim for compensation under this act it shall be presumed, in the absence of substantial evidence to the contrary—

- (a) That the claim comes within the provisions of this act.
- (b) That sufficient notice of such claim has been given.
- (c) That the injury was not occasioned solely by the intoxication of the injured employee.
- (d) That the injury was not occasioned by the willful intention of the injured employee to injure or kill himself or another.

#### REVIEW OF COMPENSATION ORDERS

SEC. 21. (a) A compensation order shall become effective when filed in the office of the deputy commissioner as provided in section 19, and, unless proceedings for the suspension or setting aside of such order are instituted as provided in subdivision (b) of this section, shall become final at the expiration of the thirtieth day thereafter.

(b) If not in accordance with law, a compensation order may be suspended or set aside, in whole or in part, through injunction proceedings, mandatory or otherwise, brought by any party in interest against the deputy commissioner making the order, and instituted in the Federal district court for the judicial district in which the injury occurred (or in the Supreme Court of the District of Columbia if the injury occurred in the District). The orders, writs, and processes of the court in such proceedings may run, be served, and be returnable anywhere in the United States. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless upon application for an interlocutory injunction the court, on hearing, after not less than three days' notice to the parties in interest and the deputy commissioner, allows the stay of such payments, in whole or in part, where irreparable damage would otherwise ensue to the employer. The order of the court allowing any such stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that such irreparable damage would result to the employer, and specifying the nature of the damage.

(c) If any employer or his officers or agents fails to comply with a compensation order making an award that has become final, any beneficiary of such award or the deputy commissioner making the order, may apply for the enforcement of the order to the Federal district court for the judicial district in which the injury occurred (or to the Supreme Court of the District of Columbia if the injury occurred in the District). If the court determines that the order was made and served in accordance with law, and that such employer or his officers or agents have failed to comply therewith, the court shall enforce obedience to the order by writ of injunction or by other proper process, mandatory or otherwise, to enjoin upon such person and his officers and agents compliance with the order.

(d) Proceedings for suspending, setting aside, or enforcing a compensation order, whether rejecting a claim or making an award, shall not be instituted otherwise than as provided in this section and section 18.

#### MODIFICATION OF AWARDS

SEC. 22. Upon his own initiative, or upon application of any party in interest, on the ground of a change in conditions, the deputy commissioner may at any time during the term of an award and after the compensation order in respect of such award has become final, review such order in accordance with the procedure prescribed in respect of claims in section 19, and in accordance with such section issue a new compensation order which may terminate, continue, increase, or decrease such compensation. Such new order shall not affect any compensation paid under authority of the prior order.

#### PROCEDURE BEFORE THE DEPUTY COMMISSIONER

SEC. 23. (a) In making an investigation or inquiry or conducting a hearing the deputy commissioner shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by this act; but may make such investigation or inquiry or conduct such hearing in such manner as to best ascertain the rights of the parties. Declarations of a deceased employee concerning the injury in respect of which the investigation or inquiry is being made or the hearing conducted shall be received in evidence and shall, if corroborated by other evidence, be sufficient to establish the injury.

(b) Hearings before a deputy commissioner shall be open to the public and shall be stenographically reported, and the deputy commissioners, subject to the approval of the commission, are authorized to contract for the reporting of such hearings. The commission shall by regulation provide for the preparation of a record of the hearings and other proceedings before the deputy commissioners.

#### WITNESSES

SEC. 24. No person shall be required to attend as a witness in any proceeding before a deputy commissioner at a place outside of the State of his residence and more than 100 miles from his place of residence, unless his lawful mileage and fee for one day's attendance shall be first paid or tendered to him; but the testimony of any witness may be taken by deposition or interrogatories according to the rules of practice of the Federal district court for the judicial district in which the case is pending (or of the Supreme Court of the District of Columbia if the case is pending in the District).

#### WITNESS FEES

SEC. 25. Witnesses summoned in a proceeding before a deputy commissioner or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States.

#### COSTS IN PROCEEDINGS BROUGHT WITHOUT REASONABLE GROUNDS

SEC. 26. If the court having jurisdiction of proceedings in respect of any claim or compensation order determines that the proceedings



in respect of such claim or order have been instituted or continued without reasonable ground, the costs of such proceedings shall be assessed against the party who has so instituted or continued such proceedings.

#### POWERS OF DEPUTY COMMISSIONERS

SEC. 27. (a) The deputy commissioner shall have power to preserve and enforce order during any such proceedings; to issue subpoenas for, to administer oaths to, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths; to examine witnesses; and to do all things conformable to law which may be necessary to enable him effectively to discharge the duties of his office.

(b) If any person in proceedings before a deputy commissioner disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered to do so, any pertinent book, paper, or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take the oath as a witness, or after having taken the oath refuses to be examined according to law, the deputy commissioner shall certify the facts to the district court having jurisdiction in the place in which he is sitting (or to the Supreme Court of the District of Columbia if he is sitting in such District) which shall thereupon in a summary manner hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court.

#### FEES FOR SERVICES

SEC. 28. (a) No claim for legal services or for any other services rendered in respect of a claim or award for compensation, to or on account of any person, shall be valid unless approved by the deputy commissioner, or if proceedings for review of the order of the deputy commissioner in respect of such claim or award are had before any court, unless approved by such court. Any claim so approved shall, in the manner and to the extent fixed by the deputy commissioner or such court, be a lien upon such compensation.

(b) Any person (1) who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the deputy commissioner or such court, or (2) who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall be guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

#### RECORD OF INJURY OR DEATH

SEC. 29. Every employer shall keep a record in respect of any injury to an employee. Such record shall contain such information of disease, other disability, or death, in respect of such injury, as the commission may by regulation require, and shall be available to inspection by the commission or by any State authority at such times and under such conditions as the commission may by regulation prescribe.

#### REPORTS

SEC. 30. (a) Within 10 days from the date of any injury or death or from the date that the employer has knowledge of a disease or infection in respect of such injury, the employer shall send to the commission a report setting forth (1) the name, address, and business of the employer; (2) the name, address, and occupation of the employee; (3) the cause and nature of the injury or death; (4) the year, month, day, and hour when and the particular locality where the injury or death occurred; and (5) such other information as the commission may require. A copy of such report shall be sent at the same time to the deputy commissioner in the compensation district in which the injury occurred.

(b) Additional reports in respect of such injury and of the condition of such employee shall be sent by the employer to the commission and to such deputy commissioner at such times and in such manner as the commission may prescribe.

(c) Any report provided for in subdivision (a) or (b) shall not be evidence of any fact stated in such report in any proceeding in respect of such injury or death on account of which the report is made.

(d) The mailing of any such report and copy in a stamped envelope, within the time prescribed in subdivisions (a) or (b), to the commission and deputy commissioner, respectively, shall be a compliance with this section.

(e) Any employer who fails or refuses to send any report required of him by this section shall be subject to a civil penalty not to exceed \$500 for each such failure or refusal.

#### PENALTY FOR MISREPRESENTATION

SEC. 31. Any person who willfully makes any false or misleading statement or representation for the purpose of obtaining any benefit or payment under this act shall be guilty of a misdemeanor, and on

conviction thereof shall be punished by a fine of not to exceed \$1,000, or by imprisonment of not to exceed one year, or by both such fine and imprisonment.

#### SECURITY FOR COMPENSATION

SEC. 32. (a) Every employer shall secure the payment of compensation under this act—

(1) By insuring and keeping insured the payment of such compensation with any stock company or mutual company or association, or with any other person or fund, while such person or fund is authorized (A) under the laws of the United States or of any State, to insure workmen's compensation, and (B) by the commission, to insure payment of compensation under this act; or

(2) By furnishing satisfactory proof to the commission of his financial ability to pay such compensation and receiving an authorization from the commission to pay such compensation directly. The commission may, as a condition to such authorization, require such employer to deposit in a depository designated by the commission either an indemnity bond or securities (at the option of the employer) of a kind and in an amount determined by the commission, and subject to such conditions as the commission may prescribe, which shall include authorization to the commission in case of default to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds, to procure prompt payment of compensation under this act. Any employer securing compensation in accordance with the provisions of this paragraph shall be known as a self-insurer.

(b) In granting authorization to any carrier to insure payment of compensation under this act the commission may take into consideration the recommendation of any State authority having supervision over carriers or over workmen's compensation, and may authorize any carrier to insure the payment of compensation under this act in a limited territory. Any marine protection and indemnity mutual insurance corporation or association, authorized to write insurance against liability for loss or damage from personal injury and death, and for other losses and damages, incidental to or in respect of the ownership, operation, or chartering of vessels on a mutual assessment plan, shall be deemed a qualified carrier to insure compensation under this act. The commission may suspend or revoke any such authorization for good cause shown after a hearing, at which the carrier shall be entitled to be heard in person or by counsel and to present evidence. No suspension or revocation shall affect the liability of any carrier already incurred.

#### COMPENSATION FOR INJURIES WHERE THIRD PERSONS ARE LIABLE

SEC. 33. (a) If on account of a disability or death for which compensation is payable under this act the person entitled to such compensation determines that some person other than the employer is liable in damages, he may elect, by giving notice to the deputy commissioner in such manner as the commission may provide, to receive such compensation or to recover damages against such third person.

(b) Acceptance of such compensation shall operate as an assignment to the employer of all right of the person entitled to compensation to recover damages against such third person, whether or not the person entitled to compensation has notified the deputy commissioner of his election.

(c) The payment of such compensation into the fund established in section 44 shall operate as an assignment to the employer of all right of the legal representative of the deceased (hereinafter referred to as "representative") to recover damages against such third person, whether or not the representative has notified the deputy commissioner of his election.

(d) Such employer on account of such assignment may either institute proceedings for the recovery of such damages or may compromise with such third person either without or after instituting such proceeding.

(e) Any amount recovered by such employer on account of such assignment, whether or not as the result of a compromise, shall be distributed as follows:

(1) The employer shall retain an amount equal to—

(A) The expenses incurred by him in respect of such proceedings or compromise (including a reasonable attorney's fee as determined by the deputy commissioner).

(B) The cost of all benefits actually furnished by him to the employee under section 7.

(C) All amounts paid as compensation, and the present value of all amounts payable as compensation, such present value to be computed in accordance with a schedule prepared by the commission, and the amounts so computed to be retained by the employer as a trust fund to pay such compensation as it becomes due and to pay any sum, in excess of such compensation, to the person entitled to compensation or to the representative; and

(2) The employer shall pay any excess to the person entitled to compensation or to the representative.

(f) If the person entitled to compensation or the representative elects to recover damages against such third person and notifies the commission of his election and institutes proceedings within the period prescribed in section 13, the employer shall be required to pay as com-

pensation under this act a sum equal to the excess of the amount which the commission determines is payable on account of such injury or death over the amount recovered against such third person.

(g) If a compromise with such third person is made by the person entitled to compensation or such representative of an amount less than the compensation to which such person or representative would be entitled under this act, the employer shall be liable for compensation as determined in subdivision (e) only if such compromise is made with his written approval.

(h) The deputy commissioner may, if the person entitled to compensation under this act is a minor, make any election required under subdivision (a) of this section, or may authorize the parent or guardian of the minor to make such election.

#### COMPENSATION NOTICE

SEC. 34. Every employer who has secured compensation under the provisions of this act shall keep posted in a conspicuous place or places in and about his place or places of business typewritten or printed notices, in accordance with a form prescribed by the commission, stating that such employer has secured the payment of compensation in accordance with the provisions of this act. Such notices shall contain the name and address of the carrier, if any, with whom the employer has secured payment of compensation and the date of the expiration of the policy.

#### SUBSTITUTION OF CARRIER FOR EMPLOYER

SEC. 35. In any case where the employer is not a self-insurer, in order that the liability for compensation imposed by this act may be most effectively discharged by the employer, and in order that the administration of this act in respect of such liability may be facilitated, the commission shall by regulation provide for the discharge, by the carrier for such employer, of such obligations and duties of the employer in respect of such liability, imposed by this act upon the employer, as it considers proper in order to effectuate the provisions of this act. For such purposes (1) notice to or knowledge of an employer of the occurrence of the injury shall be notice to or knowledge of the carrier, (2) jurisdiction of the employer by a deputy commissioner, the commission, or any court under this act shall be jurisdiction of the carrier, and (3) any requirement by a deputy commissioner, the commission, or any court under any compensation order, finding, or decision shall be binding upon the carrier in the same manner and to the same extent as upon the employer.

#### INSURANCE POLICIES

SEC. 36. (a) Every policy or contract of insurance issued under authority of this act shall contain (1) a provision to carry out the provisions of section 35, and (2) a provision that insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the carrier from payment of compensation for disability or death sustained by an employee during the life of such policy or contract.

(b) No contract or policy of insurance issued by a carrier under this act shall be canceled prior to the date specified in such contract or policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the deputy commissioner and to the employer in accordance with the provisions of subdivision (c) of section 12.

#### CERTIFICATE OF COMPLIANCE WITH THIS ACT

SEC. 37. No stevedoring firm shall be employed in any compensation district by a vessel or by hull owners until it presents to such vessel or hull owners a certificate issued by a deputy commissioner assigned to such district that it has complied with the provisions of this act requiring the securing of compensation to its employees. Any person violating the provisions of this section shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

#### PENALTY FOR FAILURE TO SECURE PAYMENT OF COMPENSATION

SEC. 38. Any employer required to secure the payment of compensation under this act who fails to secure such compensation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. This section shall not affect any other liability of the employer under this act.

#### ADMINISTRATION

SEC. 39. (a) Except as otherwise specifically provided, the United States Employees' Compensation Commission shall administer the provisions of this act, and for such purpose the commission is authorized (1) to make such rules and regulations; (2) to appoint and fix the compensation of such temporary technical assistants and medical advisers, and, subject to the provisions of the civil service laws, to appoint, and, in accordance with the classification act of 1923, to fix the compensation of such deputy commissioners (except deputy commissioners appointed under subdivision (a) of section 40) and other officers and employees; and (3) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, and for

printing and binding) as may be necessary in the administration of this act. All expenditures of the commission in the administration of this act shall be allowed and paid as provided in section 45 upon the presentation of itemized vouchers therefor approved by the commission.

(b) The commission shall establish compensation districts, to include the high seas and the areas within the United States to which this act applies, and shall assign to each such district one or more deputy commissioners, as the commission deems advisable. Judicial proceedings under sections 18 and 21 of this act in respect of any injury or death occurring on the high seas shall be instituted in the district court within whose territorial jurisdiction is located the office of the deputy commissioner having jurisdiction in respect of such injury or death (or in the Supreme Court of the District of Columbia if such office is located in such District).

(c) The commission shall direct the vocational rehabilitation of permanently disabled employees and shall arrange with the appropriate public or private agencies in States or Territories, possessions, or the District of Columbia for such education. The Federal Board for Vocational Education shall cooperate with the commission in such educational work. The commission may in its discretion furnish such prosthetic appliances or other apparatus made necessary by an injury upon which an award has been made under this act to render a disabled employee fit to engage in a remunerative occupation. If any surplus is left in any fiscal year in the fund provided for in section 44, such surplus may be used in subsequent fiscal years for the purposes of this section except for the purposes of administration and investigation.

#### DEPUTY COMMISSIONERS

SEC. 40. (a) The commission may appoint as deputy commissioners any member of any board, commission, or other agency of a State to act as deputy commissioner for any compensation district or part thereof in such State, and may make arrangements with such board, commission, or other agency for the use of the personnel and facilities thereof in the administration of this act. The commission may make such arrangements as may be deemed advisable by it for the payment of expenses of such board, commission, or other agency, incurred in the administration of this act pursuant to this section, and for the payment of salaries to such board, commission, or other agency, or the members thereof, and may pay any amounts agreed upon to the proper officers of the State, upon vouchers approved by the commission.

(b) In any Territory of the United States or in the District of Columbia a person holding an office under the United States may be appointed deputy commissioner and for services rendered as deputy commissioner may be paid compensation, in addition to that he is receiving from the United States, in an amount fixed by the commission in accordance with the classification act of 1923.

(c) Deputy commissioners (except deputy commissioners appointed under subdivision (a) of this section) may be transferred from one compensation district to another and may be temporarily detailed from one compensation district for service in another in the discretion of the commission.

(d) Each deputy commissioner shall maintain and keep open during reasonable business hours an office, at a place designated by the commission, for the transaction of business under this act, at which office he shall keep his official records and papers. Such office shall be furnished and equipped by the commission, who shall also furnish the deputy commissioner with all necessary clerical and other assistants, records, books, blanks, and supplies. Wherever practicable such office shall be located in a building owned or leased by the United States; otherwise the commission shall rent suitable quarters.

(e) If any deputy commissioner is removed from office, or for any reason ceases to act as such deputy commissioner, all of his official records and papers and office equipment shall be transferred to his successor in office or, if there be no successor, then to the commission or to a deputy commissioner designated by the commission.

(f) Neither a deputy commissioner nor any business associate of a deputy commissioner shall appear as attorney in any proceeding under this act, and no deputy commissioner shall act in any such case in which he is interested, or when he is employed by any party in interest or related to any party in interest by consanguinity or affinity within the third degree, as determined by the common law.

#### INVESTIGATIONS BY THE COMMISSION

SEC. 41. (a) The commission shall make studies and investigations with respect to safety provisions and the causes of injuries in employments covered by this act, and shall from time to time make to Congress and to employers and carriers such recommendations as it may deem proper as to the best means of preventing such injuries.

(b) In making such studies and investigations the commission is authorized (1) to cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any employment covered by this act, or with any State agency, engaged in enforcing any laws to assure safety for employees, and (2) to permit any such agency to have access to the records of the commission. In carrying out the provisions of this section the



commission or any officer or employee of the commission is authorized to enter at any reasonable time upon any premises, tracks, wharf, dock, or other landing place, or upon any vessel, or to enter any building, where an employment covered by this act is being carried on, and to examine any tool, appliance, or machinery used in such employment.

#### TRAVELING EXPENSES

SEC. 42. The commissioners, deputy commissioners, and other employees of the commission shall be entitled to receive their necessary traveling expenses and expenses actually incurred for subsistence while traveling on official business and away from their designated stations, as provided by the subsistence expense act of 1926.

#### ANNUAL REPORT

SEC. 43. The commission shall make to Congress at the beginning of each regular session a report of the administration of this act for the preceding fiscal year, including a detailed statement of receipts of and expenditures from the funds established in sections 44 and 45, together with such recommendations as the commission deems advisable.

#### SPECIAL FUND

SEC. 44. (a) There is hereby established in the Treasury of the United States a special fund for the purpose of making payments in accordance with the provisions of subsections (f) and (g) of section 8 of this act. Such fund shall be administered by the commission. The Treasurer of the United States shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be money or property of the United States.

(b) The Treasurer is authorized to disburse moneys from such fund only upon order of the commission. He shall be required to give bond in an amount to be fixed and with securities to be approved by the Secretary of the Treasury and the Comptroller General of the United States conditioned upon the faithful performance of his duty as custodian of such fund.

(c) Payments into such fund shall be made as follows:

(1) Each employer shall pay \$1,000 as compensation for the death of an employee of such employer resulting from injury where the deputy commissioner determines that there is no person entitled under this act to compensation for such death. Fifty per cent of each such payment shall be available for the payments under subdivision (f) of section 8, and 50 per cent shall be available for payments under subdivision (g) of section 8.

(2) All amounts collected as fines and penalties under the provisions of this act shall be paid into such fund.

(d) The Treasurer of the United States shall deposit any moneys paid into such fund into such depository banks as the commission may designate and may invest any portion of the funds which, in the opinion of the commission, is not needed for current requirements, in bonds or notes of the United States or of any Federal land bank.

(e) Neither the United States nor the commission shall be liable in respect of payments authorized under section 8 in an amount greater than the money or property deposited in or belonging to such fund.

(f) The Comptroller General of the United States shall audit the account for such fund, but the action of the commission in making payments from such fund shall be final and not subject to review, and the Comptroller General is authorized and directed to allow credit in the accounts of any disbursing officer of the commission for payments made from such fund authorized by the commission.

(g) All civil penalties provided for in this act shall be collected by civil suit brought by the commission.

#### ADMINISTRATION FUND

SEC. 45. (a) There is hereby established in the Treasury of the United States a special fund for the purpose of providing for the payment of all expenses in respect of the administration of this act. Such fund shall be administered by the commission. The Treasurer of the United States shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the United States.

(b) The provisions of subdivisions (b), (d), and (f) of section 44 shall be applicable to the fund hereby established.

#### APPROPRIATION

SEC. 46. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, which shall be covered into the administration fund established in section 45 and shall be available for expenses incurred in the administration of this act during the remainder of the fiscal year ending June 30, 1927, and during the fiscal year ending June 30, 1928. All unexpended balances of any appropriations made under authority of this section, remaining in such fund on July 1, 1928, shall be covered into the Treasury of the United States as miscellaneous receipts.

#### AVAILABILITY OF APPROPRIATIONS

SEC. 47. The expenses incurred for salaries and contingent expenses by the United States Employees' Compensation Commission in the administration (1) of the act entitled "An act to provide compensation

for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, and (2) of this act, may be paid from the appropriations for salaries and contingent expenses for the administration of such act of September 7, 1916, and from the fund established in section 45 of this act, in such proportion as the commission, with the approval of the Director of the Bureau of the Budget, determines to be fairly attributable to the cost of administration of the respective acts, but the total amount paid from such appropriation and such fund in any fiscal year on account of the administration of such act of September 7, 1916, shall not exceed the amounts appropriated for salaries and contingent expenses for the administration of such act for such year.

#### LAWS INAPPLICABLE

SEC. 48. Nothing in sections 4283, 4284, 4285, 4286, or 4289 of the Revised Statutes, as amended, nor in section 18 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, as amended, shall be held to limit the amount for which recovery may be had (1) in any suit at law or in admiralty where an employer has failed to secure compensation as required by this act, or (2) in any proceeding for compensation, any addition to compensation, or any civil penalty.

#### EFFECT OF UNCONSTITUTIONALITY

SEC. 49. If any part of this act is adjudged unconstitutional by the courts, and such adjudication has the effect of invalidating any payment of compensation under this act, the period intervening between the time the injury was sustained and the time of such adjudication shall not be computed as a part of the time prescribed by law for the commencement of any action against the employer in respect of such injury; but the amount of any compensation paid under this act on account of such injury shall be deducted from the amount of damages awarded in such action in respect of such injury.

#### SEPARABILITY PROVISION

SEC. 50. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

#### EFFECTIVE DATE

SEC. 51. Sections 39 to 51, inclusive, shall become effective upon the passage of this act, and the remainder of this act shall become effective on July 1, 1927.

Mr. NORRIS. Mr. President, I move that the Senate concur in the amendment of the House.

The VICE PRESIDENT. Without objection—

Mr. REED of Pennsylvania. I object, Mr. President.

Mr. NORRIS. I make the point of order that the motion is in order.

The VICE PRESIDENT. The Chair was about to state the motion. The question is on the motion of the Senator from Nebraska.

Mr. REED of Pennsylvania. A point of order, Mr. President. Mr. HARRISON. I make the point of no quorum. I will reserve it for a moment, however.

Mr. REED of Pennsylvania. Is the motion debatable, Mr. President?

The VICE PRESIDENT. The motion is debatable.

Mr. REED of Pennsylvania. Mr. President, I think the Senate ought to understand that this is a complete rewriting by the House of the Senate bill.

Mr. NEELY. Mr. President, I can not yield for that sort of discussion.

The VICE PRESIDENT. The Senator from West Virginia has already yielded for this purpose, and the Chair must see that these matters are disposed of.

Mr. REED of Pennsylvania. I am not going to speak more than 60 seconds.

Mr. HEFLIN. Mr. President, I make the point of order that the Senator from West Virginia yielded for the Chair to lay that proposition before this body; and if it is debatable, I submit that he first has the right to debate it, having the floor.

The VICE PRESIDENT. The Senator from West Virginia lost the floor and trusted to the Chair to recognize him after this privileged business was disposed of. It has not yet been disposed of and is now before the Senate.

Mr. HEFLIN. I submit to the Chair that he ought to recognize the Senator from West Virginia, who has been on his feet right along.

The VICE PRESIDENT. When the time comes the Chair will have that in mind and probably will recognize the Senator from West Virginia; but in the meantime these privileged matters from the House of Representatives are before the Senate for consideration. The Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, if the Senate will permit me to go on without interruption for 60 seconds, I will state the point.

This, as I understand, is a complete rewriting of the longshoremen's compensation act. The Senate Judiciary Committee went over it very carefully. The matter was under study for about two years. The Senate passed a well-thought-out act and sent it to the House. Now I understand—and the Senator will correct me if I am wrong—that the House has wholly discarded that, has written up a new bill of its own, and has sent it over here by way of substitute, and we are asked to accept it without reading it. Is that so?

Mr. NORRIS. Mr. President, I presume a person could put any construction that he saw fit on the action of the House; but, as I understand, the principal dispute here was as to whether or not the seamen should be included in the legislation. As the bill passed the Senate they were not in it. The seamen, through their organized representative here, Andrew Furuseth, wanted to remain out. They were satisfied with their condition and did not want to be included in this law. As the bill passed through the House the seamen supposed originally, taking the copy of the bill as printed in the CONGRESSIONAL RECORD, that the House had put them in, and there was considerable excitement and a great deal of feeling about the matter; and I thought so, too, when I read the change that the House had made as it was printed in the CONGRESSIONAL RECORD.

Yesterday, however, my attention was called to the fact that the CONGRESSIONAL RECORD was not correct. As printed in the CONGRESSIONAL RECORD the language was not properly punctuated. When I saw the enrolled bill I reached the conclusion at once, and the Senator will reach the same conclusion—it is only a matter of construction—that there can not be any doubt whatever that the seamen are excluded from the House bill, the same as from the Senate bill.

Mr. REED of Pennsylvania. I am quite satisfied with the Senator's statement.

Mr. NORRIS. I called the enrolled bill to the attention of Mr. Furuseth, and he was perfectly satisfied and agreed with me that it excludes the seamen. They want to be out; and, as far as I know, there is not any objection now to the bill.

Mr. REED of Pennsylvania. With the Senator's explanation, I am glad to withdraw the objection.

Mr. GLASS. Mr. President, I should like to ask the Senator from Nebraska if it is not a fact that the accredited official representative of the seamen here in Washington has stated to him, as he certainly has to me, that the seamen do not desire to be included in the bill?

Mr. NORRIS. That is what I said; the seamen want to be left out.

Mr. GLASS. Yes.

Mr. NORRIS. And they are out.

Mr. GLASS. They are out of the proposal now before the Senate?

Mr. NORRIS. Yes.

Mr. JONES of Washington. Mr. President, I understand that the Senator from Nebraska has examined the language of this bill and he is satisfied legally that the seamen are not included in the bill.

Mr. NORRIS. I have no doubt of it whatever. If the Senator has any doubt, I ask the clerk to send the enrolled bill to me and I will read it. The Senator from Montana, I believe, has it.

Mr. WALSH of Montana. Mr. President—

Mr. JONES of Washington. I just want to make a statement first. A Member of the House stated to me, either yesterday or day before—

Mr. NORRIS. Mr. President, I can make that plain, I think, in a moment.

Mr. JONES of Washington. Wait just a moment. I merely want to say that this Member of the House, as I understand, is a member of the committee, and he says that he has very serious doubt if the action taken by the House does in fact exclude the seamen from the bill. I have not yet had an opportunity to examine the language of the bill, so that I can not express any opinion myself; but I simply state this to show that there seems to be at least a difference of opinion.

Mr. NORRIS. That is what I wanted to make plain. There will be a difference of opinion if you read in the CONGRESSIONAL RECORD the language of the bill as it was read, because of the omission of a comma in the CONGRESSIONAL RECORD. It makes all the difference in the world in the construction. I have here the enrolled bill, and I am going to read that part of it and tell the Senate how it is punctuated, because some Members of the House, Members of the Senate, and even Mr. Furuseth naturally get their information from the CONGRESSIONAL RECORD.

It is perfectly natural that they should. That is where I got mine; and I said, "The seamen are in," and so would everybody else when he read that language. When you get the enrolled bill, however, you get a different idea, because it is punctuated differently.

(3) The term "employee" does not include a master or member of a crew of any vessel,—

Then there is a comma—

nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net.

If you read that without the comma, then the word "employee" has a different meaning than though you put in the comma.

The term "employee" does not include a master or member of a crew of any vessel,—

That leaves out the seamen. There can be no doubt about it. The balance of the sentence, following the comma, says:

nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net.

So there can be no doubt about the matter in the mind of anyone who will examine the language as it is printed in the enrolled bill.

Mr. JONES of Washington. I want to say to the Senator that this Congressman—as I said a moment ago, I have the impression that he is a member of the committee—was basing his judgment not upon what he saw in the RECORD but upon his knowledge of the action taken by the House and by his committee and his general knowledge with reference to the situation.

Mr. NORRIS. The Senator has heard me read it with the punctuation. If he will look at it again, can he have any doubt about it?

Mr. JONES of Washington. I rather think that an off-hand opinion on the floor here on a matter of this kind is not very reliable.

Mr. COPELAND. Mr. President, I hope this motion will prevail. This bill harmonizes the law of the country with what the various States have done, and I think the measure is so meritorious that it certainly should receive our approval.

Mr. WILLIS. Mr. President, I desire to submit a question to the Senator from Nebraska. My attitude upon this matter will be determined largely by the expression of his deliberate opinion. He is chairman of the Judiciary Committee and a great lawyer. I understand it to be his definite opinion from careful examination of the enrolled bill that seamen are not included in the terms of the proposed act.

Mr. NORRIS. I have no doubt of it whatever.

Mr. WILLIS. I thank the Senator.

Mr. WALSH of Montana. Mr. President, my attention was called to this matter also. I never thought that the language, even as it was printed in the CONGRESSIONAL RECORD, operated to include seamen within the provisions of the bill; but after looking at the enrolled bill I am in entire accord with the views of the chairman of the committee that seamen are not included. I desire to say also that I have examined the debate in the House, and the entire contention that they were included is based upon the paragraph in the bill which has been read by the chairman of the committee. That is the only provision of the bill under the operation of which it was feared by the representatives of the seamen that they would be included. Accordingly, I am in entire accord with the view expressed by the chairman that seamen are not included, and no such construction can possibly be given to the sentence.

Mr. JONES of Washington. Mr. President, this is a bill that has passed the Senate. There were some 57 pages in it. It passed, I remember very distinctly, one night about 10 or 11 o'clock. I asked the chairman of the committee at that time if it had the unanimous indorsement of his committee, and he said it had. He said he knew of no objection to it. Under these circumstances I let the bill go through; that is, I did not object. Very soon afterwards very serious objections were made to the bill. I know that some of the people of my State were very much interested in this matter, and they wondered how it happened that I had allowed the bill to go through. They found much fault with it.

Now, the bill comes to the Senate again with all the Senate bill stricken out and a new bill substituted of 47 pages. We have had no opportunity to consider it; but I understand from the chairman of the House committee that the bill now is satisfactory to the employers and to the employees. The chairman of the Senate Judiciary Committee is sure that seamen are not included in the bill. I know they are opposed to being included in the bill.



While I do not think we ought to legislate in this sort of way—we do not know what the other terms of the bill are—this bill deals with a very important matter, and, with these assurances that it is satisfactory to both interests involved, I am willing to take the chance and shall not oppose its passage.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. NEELY. I call for the regular order.

#### ADJUSTMENT OF ACCOUNT OF THE STATE OF NEW YORK

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 207) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate further insist upon its amendments and ask a conference with the House of Representatives upon the joint resolution and amendments, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Vice President appointed Mr. OVERMAN and Mr. NORRIS conferees on the part of the Senate.

#### NATIONAL-ORIGINS QUOTAS UNDER IMMIGRATION ACT

Mr. MOSES. Mr. President—

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. MOSES. I move that the Senate proceed to the consideration of the conference report on postal rates.

Mr. HARRISON. Mr. President, I submit that the Senator from West Virginia [Mr. NEELY] had the floor.

The VICE PRESIDENT. The Chair will ask the Senator from New Hampshire to withdraw that motion until the Senator from West Virginia has had about six minutes, by tacit consent.

Mr. NEELY. When I yielded to the Senator from Kansas I stated that I would do so if it would not result in my losing the floor.

The VICE PRESIDENT. The Chair is under a moral obligation to let the Senator from West Virginia finish his speech.

Mr. MOSES. Very well; but the Senator from New Hampshire hopes he will then be able to catch the eye of the Chair.

Mr. NEELY resumed and concluded his speech, which is entire as follows:

Mr. President, in response to Senate Resolution 362 which I introduced on the 17th day of February, the President has sent to the Senate the following communication:

To the Senate:

I am in receipt of Senate Resolution 362 as follows:

"Resolved, That the President be requested, if not incompatible with the public interest, to transmit to the Senate a copy of the memorandum explaining the methods and processes employed by the six statistical experts, appointed by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, in determining the quotas on the basis of nationality of origin of the population of the United States, which accompanied the quota board's report to the Secretaries of State, Commerce, and Labor."

I have now made inquiries and I am informed that no such memorandum was prepared by the six statistical experts. I understand further that the methods and processes mentioned were discussed verbally with the three Secretaries concerned by various members of this committee of statistical experts.

CALVIN COOLIDGE.

THE WHITE HOUSE, March 2, 1927.

Mr. President, if the foregoing message be justified by the facts in the case, it subjects the distinguished senior Senator from Ohio [Mr. WILLIS] and me to an embarrassment similar to that experienced by Ching and Chang, two vain, nearsighted orientals described in A Chinese Story which those who were school boys a quarter of a century ago may remember as one of the poetical compositions contained in McGuffey's Fourth Reader. These myopic Chinamen engaged in a bitter argument as to which had the keener eyesight. In order to settle the question, they competed in reading, at long range, from an inscription on a marble tablet which had been placed upon the Bo-hee temple. A Confucian priest umpired the contest. Ching said:

"I can read plainly, 'To the illustrious dead,  
The chief of mandarin, the great Goh-Bang.'  
"And is that all that you can spell?" said Chang;  
"I see what you have read, but furthermore,  
In smaller letters toward the temple door,  
Quite plain, 'This tablet is erected here  
By those to whom the great Goh-Bang was dear.'"

Thereupon the priest announced his decision as follows:

"I think, dear sirs, there must be few  
Blest with such wondrous eyes as those you wear:  
There's no such tablet or inscription there!  
There was one, it is true; 'twas moved away  
And placed within the temple yesterday."

By appropriate substitution the President becomes the Confucian priest, and the Senator from Ohio and I become the Ching and Chang of the story. And, moreover, unless the President be in error, the Senator and I have been for a long time the victims of a hallucination of the first magnitude, or eligible to membership in the Ananias Club.

But why should the Senator from Ohio [Mr. WILLIS] be cast as an actor in this comedy of errors to which the Senate's attention is now being directed? A colloquy relative to the resolution above mentioned which occurred between the Senator and me on the 19th day of February, and which appears on page 4216 of the CONGRESSIONAL RECORD, answers the foregoing question. Let me quote it:

Mr. NEELY. The resolution simply requests the President, if not incompatible with the public interest, to have transmitted to the Senate the 14-page memorandum explaining the methods and processes employed by the six statistical experts appointed by the Secretaries of State, Commerce, and Labor in determining the immigration quotas on the basis of nationality of origin of the population of the United States. This memorandum is in the hands of the Secretaries, and probably also in the hands of the President. A copy of it should be supplied to the Members of the Senate in order that they may determine for themselves whether the Secretaries were warranted in repudiating the findings of the quota board.

Mr. WILLIS. Mr. President, I want to make an observation, if the Senator has concluded.

Under the action which has already been taken by the Senate it is expected that, notwithstanding what the Senator has read from the report, these experts will make further computations in an effort a year from now to carry this national-origins proposition into effect. I can not see any good purpose at all in requiring these experts to come here, in effect, and report to the Senate as to just how they multiply and divide and add and subtract. I can see no good in that.

Mr. NEELY. No one is asking that the experts come here to make any mathematical demonstrations or even explanations. These experts have prepared a 14-page memorandum showing the methods they employed in reaching their conclusion.

Mr. WILLIS. I understand that. That has been here for some time, and I have read it.

Mr. President, no one who knows the distinguished and veracious Senator from Ohio doubts that he spoke with absolute accuracy when he said that he had read the memorandum called for by the resolution.

Mr. WILLIS. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. NEELY. I yield.

Mr. WILLIS. Regarding the colloquy to which the Senator from West Virginia refers and which he accurately quotes, I want to say simply this: I raise no question of fact relative to the matter, but reassert what I stated on that occasion. I have seen a document which purported to be the memorandum to which reference was made in debate. It is the same document to which the Senator now refers and which he has in his possession. I know nothing of the authority of it, but it was my information that it was the memorandum to which the Senator refers.

Mr. NEELY. Will the Senator from Ohio tell the Senate from whom he obtained his copy of this memorandum?

Mr. WILLIS. I saw the copy which the Senator has.

Mr. NEELY. But I mean the copy which the Senator read prior to the time he and I held our colloquy in the Senate on the 19th day of February.

Mr. WILLIS. I did not obtain it from the State Department or from the Commerce Department.

Mr. NEELY. Regardless of the source from which the Senator obtained the memorandum or the manner in which he procured it, the important facts that it had been prepared by the six statistical experts mentioned in the resolution and that it had been seen and read by the Senator from Ohio prior to the

19th day of February, stare both the Senate and the President in the face, despite the latter's message of the 2d day of March in which he says:

I have now made inquiries and I am informed that no such memorandum was prepared.

But, Mr. President, no one shall be reduced to the extremity of determining the issue raised by the resolution in question upon the President's statement, on the one hand, and the conflicting statements made by the Senator from Ohio and me on the other.

Let me now prove—and not only prove but demonstrate—beyond the shadow of a doubt that the six statistical experts, commonly called the quota board, did prepare the memorandum described in the resolution, the President's message to the contrary notwithstanding. The Senate's attention is invited to a copy of the 14-page typewritten memorandum under discussion, which I now hold in my hand. It is dated January 14, 1927. The following legend appears immediately below the date line:

Memorandum regarding the processes employed by the quota board in determining the provisional immigration quotas on the basis of nationality of origin of the population of the United States, which accompanied the board's report of December 15, 1926, to the Secretaries of State, Commerce, and Labor.

This memorandum is signed "S. W. Boggs, secretary of the quota board."

Mr. President, I ask unanimous consent to have printed in the Record the memorandum from which I have just read.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The memorandum is as follows:

JANUARY 14, 1927.

Memorandum regarding the processes employed by the quota board in determining the provisional immigration quotas on the basis of nationality of origin of the population of the United States, which accompanied the board's report of December 15, 1926, to the Secretaries of State, Commerce, and Labor

The processes devised by the quota board are adapted to the requirements of the immigration act of 1924 and the nature of available statistical information. Each refinement in the processes was introduced for the purpose of determining quotas which would be more accurate and more acceptable in the sense of the law.

#### I. COMPREHENSIVE OUTLINE OF THE PROCESSES EMPLOYED

(1) From the total population of the continental United States as recorded in the 1920 census (105,710,620) deductions are made for (a) aliens ineligible to citizenship and their descendants, (b) descendants of slave immigrants, and (c) the descendants of American aborigines, as provided in Section II, paragraph (d). The deductions totaled 10,889,705, leaving a balance of 94,820,915.

(2) The remainder of the population is then attributed to the countries of birth or ancestry in the manner described below in Section II.

(3) The population which is thus attributed to the nonquota areas—Canada, Newfoundland, the 20 Latin-American Republics, and the Canal Zone—totaling 4,667,994, is then deducted from the total population of the United States, leaving a balance of 90,152,921. This comprises the number of "inhabitants in continental United States in 1920" in the sense of Section II, paragraph (d), of the immigration act.

(4) The annual quota for each nationality is then computed by multiplying the number of inhabitants in continental United States attributed to that nationality by—

$$\frac{150,000}{90,152,921}$$

(i. e., 150,000 divided by the total number of "inhabitants in continental United States in 1920"), as provided in Section II, paragraph (b). In cases where the quota thus computed is less than 100, the minimum quota of 100 is assigned, as provided by law. The quota totals, therefore, exceed 150,000 by as much as the quotas of the countries with a minimum quota of 100 each exceed the quotas computed by the simple formula indicated above.

#### II. DETERMINATION OF THE NATIONAL ORIGINS

The following processes are employed in attributing the population of continental United States (par. 2, above) to the countries of "origin by birth or ancestry."

The population of the United States is divided into two parts on account of the nature of the available data:

First. The portion of the population the national origin of which may be reckoned from census and immigration statistics in which the immigrants or foreign born and the native born of foreign parents were classified by foreign nationality at the time the statistics were gathered and compiled. Since the nationality-of-origin data begin with the immigration statistics of 1820, and since the immigration between 1790 and 1820 was very small indeed, it has been considered that nationality-of-

origin statistics are available and applicable with reference to the population of the United States which is derived from all of the immigration since 1790. This we have called the "immigration stock."

Second. That portion of the population which is descended from stock which was already living in the United States before the immigration and census schedules began to take account of the nationality of foreign-born persons. This comprises the descendants of the population which is enumerated in the census of 1790 and of the population of Territories not included in the census enumeration of 1790. This factor we have called the "original stock."

The "immigration stock" is further divided into three parts: (1) Foreign born; (2) native born of foreign parents; (3) grandchildren and later generations of immigrant stock (since 1790).

The three elements of "immigration stock," together with the "original stock," comprise four parts into which the population is divided—the natural origins of each being determined separately, for the reason that the available statistical data lend themselves to that treatment.

1. Foreign born: The nationality of origin of the foreign born is derived directly from the 1920 census enumeration, in which the foreign born are classified by country of birth. As the census enumeration of foreign born in 1920 was made on the basis of postwar geography, the geographical adjustments which must be made, chiefly on account of differences between the census list of countries and the quota list of countries, are relatively simple and unimportant.

2. Native-born population of foreign and mixed parentage: The nationality of origin of this element of the population is likewise derived directly from the 1920 census enumeration. The native born of mixed parentage are reckoned at one-half the census figure, as representing their true proportions in determining nationality of origin. Since the 1920 census enumerates the native-born population of foreign and mixed parentage on the basis of pre-war geography, it is necessary, in determining the nationality of origin of this factor, that adjustments be made on account of the territories transferred following the World War.

3. Grandchildren and later generations of "immigrant stock": The total number of the "grandchildren and later generations of the immigrant stock" (immigration since 1790), is estimated as follows: The total "immigrant stock" is first derived by subtracting the total "original stock" (the computation of which is explained in a succeeding paragraph) from the total white stock recorded in the 1920 census. From the total "immigrant stock" there are then subtracted the number of the foreign born and the number of native born of foreign and mixed parentage, as both are recorded in the 1920 census, the remainder (approximately 20,600,000) clearly being the number of "grandchildren and later generations of immigrant stock."

In determining the nationality of origin of the "grandchildren and later generations of immigrant stock," an extended series of computations has been made utilizing the immigration statistics from 1820 to 1870, applied cumulatively by decades, with due weight for the time in which immigrants arrived. These factors are utilized in terms of the political geography in which they are reported, by applying them cumulatively, in turn, to certain statistics for the same geographical area, in each instance, derived from the four censuses from 1890 to 1920, inclusive. Adjustments have been made at each stage of the computations for all changes in political geography in the period concerned. A final adjustment was made from the basis of the 1920 census list of countries to the list of immigration quota areas. The figures thus derived are not equal to the number of "grandchildren and later generations" of each nationality of origin, but they are presumed to be proportional to such numbers. The total 20,600,000 of this factor are, therefore, attributed to countries of origin by ancestry in the proportions thus derived.

4. The "original stock": In estimating the total number of descendants of the population which was enumerated in the first census (1790), advantage is taken of the fact that the Bureau of the Census, at each census since and including 1890, has classified and correlated the population by age and also by nativity and race. It is recorded, for instance, that approximately 76 per cent of the 1920 white population between 35 and 40 years of age had native parents. It has been found feasible to ascertain from the census the approximate percentage of the native parents of these children who were themselves children of native parents. Approximately 82 per cent of the generation which was of the age of the parents of those who were 35 to 40 years old in 1920 were themselves native born of native parentage. That is, of the approximately 76 per cent of the population 35 to 40 years of age in 1920 who had native parents, 82 per cent also had native grandparents. Therefore the number of white persons of ages 35 to 40 in 1920 who had native grandparents was 76 per cent of 82 per cent, or approximately 62 per cent of the total white population enumerated in 1920. Using tables of figures such as these, and correlating the appropriate age groups at successive censuses, by statistical processes which are presumed to be about as accurate as they are intricate and difficult to explain in untechnical language, the Census Bureau has carried this process back several generations.

By this series of computations, which have apparently not been made heretofore, it is estimated that approximately 41,000,000 of the population enumerated in the 1920 census are descendants of the popula-



lation which was here in 1790. It is believed that the statistical process employed is accurate to a high degree. This estimate is somewhat smaller than all previous estimates of the population descended from those who were living here in 1790, but it is believed to be nearer the fact than any other estimate.

For the classification of the "original stock" by nationality of origin, the only comprehensive data available is that supplied by the Census Bureau volume, published in 1909, entitled "A Century of Population Growth, from the First Census of the United States to the Twelfth, 1790-1900." This classification was based mainly, but not exclusively, upon the names of the heads of families as recorded in 1790 census. In this volume the 1790 population is classified as English, Scotch, Irish, Dutch, French, German, and "all others." The nature and the reliability of this study are discussed in the report of the quota board dated December 15, 1926.

It is necessary to assume that all elements of the 1790 white population have increased in the same ratio. To the statistics of the 1790 population, classified by languages (Century of Population Growth, p. 121) there are added the best available estimates by languages for the 1790 population of the territories not enumerated—most of which were not yet acquired—in 1790. In these proportions the approximately 41,000,000 descendants of the "original native stock" accounted for in the 1920 census are then attributed to the linguistic elements from which they are descended. Since these are linguistic rather than politico-geographical categories, allocation is made, in respect of the population attributed to each language, to the countries in which the language is spoken on the basis of the most reliable available statistical facts.

As indicated in the "comprehensive outline of processes"—paragraph 3—the population attributable to the nonquota areas—Canada, Newfoundland, the 20 Latin-American Republics, and the Canal Zone—is deducted from the total white population before the quotas can be computed. The net results of the allocation of the 1920 white population to the quota areas may be summarized as follows:

(1) The total number of foreign born, the nationality of origin of which is to be attributed to the immigration quota areas, comprises approximately 14 per cent of the total number of "inhabitants in continental United States in 1920" in the sense of Section II, paragraph (d) of the immigration act. In the determination of the nationality of origin of this factor, the margin of possible error is very small.

(2) The native-born population of foreign-born and mixed parentage comprises approximately 20 per cent of the total population which is to be considered for quota purposes. In the allocation of this element of the population to quota areas the margin of probable error is small.

(3) The "grandchildren and later generations of immigrant stock" which is attributed to quota areas comprises approximately 21 per cent of the total population which is to be considered for quota purposes. With reference to almost all of the quota areas, the margin of probable error in attributing the "grandchildren" factor to quota areas is appreciably greater than it is with the native born of foreign and mixed parentage.

(4) The portion of the "original stock" which is attributable to quota areas comprises approximately 45 per cent of the total population which is to be considered for quota purposes. It is admittedly very difficult to estimate the margin of probable error in attributing the "original stock" to quota areas on the basis of a linguistic classification of surnames. But it may be noted that on the basis of the Century of Population Growth, approximately 90 per cent of the 41,000,000 are attributed to Great Britain and Ireland—including the Irish Free State. Unless an exhaustive study were to reveal that that proportion should be materially reduced there would remain approximately 4,100,000 of "nationalities of origin" other than British and Irish who are descended from the population enumerated in the 1790 census. From approximately 4,100,000 population there would be derived less than 7,000 in the quotas, which are to be distributed almost wholly among the countries of northwestern Europe. However insufficient the Century of Population Growth may be, therefore it seems probable that the results of an extended historical study of all available records would not require a revision of that part of the quotas which is derived from the "original stock," which would be as drastic as might at first be imagined.

### III. GEOGRAPHICAL ADJUSTMENTS

The geographical adjustments necessitated in the attribution of the population to countries of birth or ancestry, referred to in preceding paragraphs, are so numerous and important that they deserve a special word of explanation.

There are two types of geographical adjustments:

(1) Adjustments of the first type are those incident to differences in the list of the quota countries on the one hand and in the lists of countries and geographical areas in the census and immigration reports on the other hand. The number of such adjustments is large—approximately 70, not counting duplications in connection with the four component elements of the population—but the total effect of these adjustments is comparatively small. They relate chiefly to the distribution of such census and immigration factors as "Africa," "other Europe," and "other Asia" to the many quotas which are either very small—

many of them mathematically less than 100—or affected only slightly by increments from these sources.

(2) Geographical adjustments of the second type are those necessitated by changes in political geography. Approximately 40 such political changes have been regarded as significant, principally those since 1910, but including earlier events such as the creation of an independent Belgium in 1831, the transfer of Nice and Savoy to France in 1860, the dissolution of the German Confederation in 1866, and the transfer of Alsace-Lorraine in 1871. Many of the quotas thus affected are small, such as the 14 mandate areas, each of which receives the minimum quota of 100.

The margin of probable error in making geographical adjustments varies considerably. All of the political geographical changes, except those of most minor consequence, require adjustment in computing the quotas. The question is, simply, How much? It would be desirable to determine exactly what part of the 1920 population of the United States is attributable by birth or ancestry to each of the component areas affected, such as Alsace-Lorraine, Danzig, Albania—but it is never possible. When available and applicable, United States census data concerning the mother tongue of the foreign born and of the native born of foreign parentage have been utilized. Lacking that, adjustments have been made, on account of the transfer of territory, on the assumption that immigration to the United States from all parts of the country which lost a piece of territory was proportional to the population of the areas concerned, except where a reliable statistical basis for a better distribution was found. The number of instances in which emigration came very unequally from certain parts of a country which later lost part of its territory, and in sufficient numbers to affect the quotas to any considerable degree, is small.

### IV. POSSIBLE SOURCES OF ERROR

The processes devised by the quota board appear complicated, but they seem to be the most satisfactory when the nature of the problem and the available data has been analyzed. Each refinement of method is intended to approximate the desired result more closely. In any case, the principal interest in the processes lies in the degree of probable accuracy of the results, so far as available data admit of accuracy.

The most important sources of possible error are the following:

(1) An appreciable error in the total population of the United States which is attributed to the nonquota areas (Canada, Newfoundland, Latin-American Republics) which affect the formula used in computing all of the quotas, since it would modify the fraction—

$$\frac{150,000}{90,152,921}$$

by which the number of each nationality of origin is multiplied in determining the quotas. Such an error would have an added effect upon the countries to which a larger or a smaller number of the United States population would be attributed. The modification would be a small fraction of 1 per cent, except perhaps in two unimportant instances.

(2) Errors in the percentages calculated and employed on account of changes in political geography may be rather large in some instances. The effect of such errors upon the quotas is relatively much less than the error itself, since it affects, usually, only one of the four possible streams from which any quota may be derived. It is therefore necessary in estimating the probable effect of any possible error in adjustment on account of geographical changes to ascertain the percentages of the quota of any country derived from the number of foreign born of that nationality in the United States from the number of children of foreign born, from the "grandchildren and later generations," and from the "original native stock." Unless the latter two elements are relatively large the probable error in the quota on account of errors in geographical adjustments is in almost all instances small.

(3) Errors in the analysis of the 1790 population, in the Century of Population Growth may be rather large, but, as indicated previously, they would affect probably not more than 7,000 or at most perhaps 15,000 and then only in the distribution of that number as among the countries of northwestern Europe.

(4) An appreciable error in the total number computed as "original stock" (descended from the population enumerated in 1790) would have a contrary effect upon the total number of "grandchildren and later generations of immigrant stock." Such an error would affect the quotas of only the countries of northern Europe appreciably. It is believed, however, that the probable error in this computation is very small.

In conclusion it may be remarked that the members of the quota board do not wish to represent quotas which they have computed as of either greater or less reliability than the numbers actually possess. In some instances the value of available data is so problematical that the members of the board do not have a definite opinion as to the margin of probable error in the provisional quotas reported. We have simply done the best we could with the material at hand in an exceedingly complicated problem to which we were assigned.

S. W. BOOGS,  
Secretary of the Quota Board.

Mr. NEELY. Mr. President, it will be observed that the foregoing document proclaims in the most explicit language that it is the memorandum in question, and that it accompanied the "quota board's report of December 15, 1926, to the Secretaries of State, Commerce, and Labor."

Will anyone believe that the secretary of the quota board, Mr. Boggs, who signed the memorandum, and who, I am informed, is a thoroughly competent and reliable official, falsely vouched the authenticity or the disposition made of this memorandum? Can anyone doubt that the Secretaries of State, Commerce, and Labor, who appointed the quota board, duly received this memorandum? Did the President inquire of these Secretaries about it; and if so, did they impose upon him by telling him that it had never existed?

It is submitted that upon the evidence now before the Senate only those who, like the White Queen in *Through the Looking Glass*, have learned to believe as many as six impossible things before breakfast, will ever be able to believe that the President could not with the slightest effort have obtained from the quota board the memorandum which Resolution 362 requested him to supply.

The Members of the Senate can not be unmindful of the fact that this is not the first time that either the President or the three Secretaries above named have made a mistake in matters arising under the immigration act of 1924. For example, as shown by Senate Document No. 190, Sixty-ninth Congress, second session, the President, on the 7th day of January, 1927, sent to the Senate the following:

*To the Senate:*

In response to Senate Resolution 318 there is herewith transmitted a copy of the joint report of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor to the President, in pursuance of section 11(e) of the immigration act of 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 7, 1927.

JANUARY 3, 1927.

The PRESIDENT,

*The White House, Washington, D. C.*

DEAR MR. PRESIDENT: Pursuant to the provisions of sections 11 and 12 of the immigration act of 1924, we have the honor to transmit herewith the preliminary report of the subcommittee appointed by us.

The report of the subcommittee is self-explanatory, and is stated to be a preliminary report; yet, in the judgment of that committee, further investigation will not substantially alter this presentation.

It may be stated that the statistical and historical information available from which these computations were made is not entirely satisfactory. Assuming, however, that the issuance of the proclamation provided for in paragraph (3), section 11, of said act is mandatory and that Congress will neither repeal nor amend said act on or before April 1, 1927, the attached list shows substantially the quota allotments for use in said proclamation.

Faithfully yours,

FRANK B. KELLOGG,

*Secretary of State, Department of State.*

HERBERT HOOVER,

*Secretary of Commerce, Department of Commerce.*

JAMES J. DAVIS,

*Secretary of Labor, Department of Labor.*

On January 10, 1927, or three days later, as shown by Senate Document No. 193, Sixty-ninth Congress, second session, the President sent to the Senate the following communication:

*To the Senate:*

I am sending herewith a copy of the letter of transmission which accompanied the report of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, in the matter of the immigration law relating to national origins, to replace an inaccurate copy which was inadvertently forwarded to the Senate with such report.

CALVIN COOLIDGE.

THE WHITE HOUSE, January 10, 1927.

JANUARY 3, 1927.

The PRESIDENT,

*The White House, Washington, D. C.*

DEAR MR. PRESIDENT: Pursuant to the provisions of sections 11 and 12 of the immigration act of 1924, we have the honor to transmit herewith the preliminary report of the subcommittee appointed by us.

The report of the subcommittee is self-explanatory and is stated to be a preliminary report; yet, in the judgment of that committee, further investigation will not substantially alter this presentation.

Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these

computations as a basis for the purposes intended. We therefore can not assume responsibility for such conclusions under these circumstances.

Yours faithfully,

FRANK B. KELLOGG,

*Secretary of State, Department of State.*

HERBERT HOOVER,

*Secretary of Commerce, Department of Commerce.*

JAMES J. DAVIS,

*Secretary of Labor, Department of Labor.*

The President informs the Senate in his communication of the 10th day of January that he is sending therewith a copy of—the letter of transmission which accompanied the report of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor in the matter of the immigration law relating to the national origins to replace an inaccurate copy which was inadvertently forwarded to the Senate with such report.

The record of the entire transaction will be searched in vain for evidence tending to prove that the copy of the letter which the President transmitted on January 7 was "inaccurate," or that he "inadvertently" sent it to the Senate.

What the record does disclose is the fact that after the Secretaries of State, Commerce, and Labor said in their first joint letter of the 3d day of January to the President—

It may be stated that the statistical and historical information available from which these computations were made is not entirely satisfactory—

Something happened to impel these Secretaries to discredit, if not repudiate, the valuable work of their quota board in the following vigorous language which appears in their second letter to the President:

We wish to \* \* \* state that, in our opinion, the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We therefore can not assume responsibility for such conclusions under these circumstances.

It would be interesting to know by what pressure or persuasion the Secretaries were impelled to change their minds as to the value of the work done by the quota board, which they had appointed. It would be equally interesting to know from what source such persuasion emanated, or by whom such pressure was applied.

Without pretending to be able to prove the cause of the manifest indifference of these three Secretaries to the ascertainment of "immigration quotas based upon national origin" required by the immigration act of 1924, may I not hazard the guess that some prominent official of this administration, perhaps some one like the very practical, efficient, and far-seeing Mr. Hoover, has concluded that the most effective means of obtaining the so-called foreign vote for the candidates of his party in 1928 will be, first, to refrain from literally or vigorously enforcing the immigration act of 1924; and, secondly, to give satisfactory assurances that the restrictive provisions of the act will, in the near future, be either greatly relaxed or unconditionally repealed.

Against the progenitor of this reprehensible undertaking and those participating in it, a vast majority of the patriotic voters of the Nation will be zealously, courageously, and irresistibly arrayed.

#### PUBLIC BUILDINGS

Mr. GLASS. Mr. President, I desire to present a request for unanimous consent.

I ask unanimous consent that at 11 o'clock the Senate may proceed to the consideration of the public buildings bill, and continue such consideration until a quarter after 11 o'clock, and at a quarter after 11 o'clock shall proceed to vote on the bill and on all amendments thereto that may be pending at that hour.

Mr. REED of Pennsylvania. Mr. President, reserving the right to object, may we not first have a vote on the veto of the McNary-Haugen bill?

Mr. GLASS. I have never objected to acting on a veto, but if that should be done now—

Mr. REED of Pennsylvania. I think it can be done right away.

Mr. GLASS. It would be done to the exclusion of all other business. I do not care how the Senator will vote on it. I know how I will vote. I will vote to sustain the President's veto.

Mr. REED of Pennsylvania. So will I.

Mr. GLASS. If it is put to a vote. But I prefer this unanimous-consent request.

The VICE PRESIDENT. Is there objection?



Mr. GEORGE. Mr. President, will not the Senator from Virginia couple with it a request also for a vote upon the veterans' hospital bill now before the Senate?

Mr. GLASS. I have always been ready to vote upon the veterans' hospital bill.

Mr. REED of Pennsylvania. May I ask, Mr. President, whether the Senator's request contemplates a vote upon the public buildings bill as printed?

Mr. GLASS. No; it does not.

Mr. REED of Pennsylvania. Then I can not agree to it.

Mr. GLASS. It is for a vote upon the public buildings bill and such amendments as may be pending at a quarter after 11 o'clock.

Mr. REED of Pennsylvania. I am not going to let the Reed resolution be stuck on any bill as an amendment.

Mr. GLASS. Does the Senator object?

Mr. REED of Pennsylvania. I have objected.

Mr. GLASS. That is all right.

#### AMENDMENT OF IMMIGRATION ACT OF 1924

Mr. COPELAND. Mr. President, I ask the Vice President to lay before the Senate the amendments of the House to Senate Joint Resolution 82.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 82) to amend subdivision A of section 4 of the immigration act of 1924, which were, on page 1, line 3, to strike out "A" and insert "a"; in line 6, strike out "18" and insert "twenty-one"; in the same line, strike out "or" where it appears the first time in said line; in line 8, strike out "9." and insert "9"; and after line 8, to insert:

SEC. 2. (a) Subdivision (c) of section 4 of the immigration act of 1924 is amended to read as follows:

"(c) An immigrant who was born in territory which at the time of the application for the issuance of the immigration visa is under the jurisdiction of the United States, or in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, or an independent country of Central or South America, and his wife, and his unmarried children under 21 years of age, if accompanying or following to join him;"

(b) So much of subdivision (a) of section 12 of the immigration act of 1924 as reads as follows: "An immigrant born in the United States who has lost his United States citizenship shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country, then in the country from which he comes," is repealed.

SEC. 3. Section 6 of the immigration act of 1924 is amended by adding at the end thereof a new subdivision to read as follows:

"(d) If before the close of any fiscal year the President finds that the estimated demand for immigration visas by quota immigrants of any nationality who are either relatives of citizens of the United States entitled to preference under paragraph (1) of subdivision (a) of this section, or the wives, or unmarried children under 21 years of age, of aliens lawfully admitted to the United States for permanent residence, exceeds 60 per cent of the quota for such nationality for the ensuing fiscal year, he shall by proclamation so declare, and thereupon—

"(1) Paragraph (2) of subdivision (a) (relating to preference to skilled agriculturists and their wives and children) and subdivision (b) of this section shall not be in effect during such ensuing fiscal year in respect of immigrants of such nationality;

"(2) During such ensuing fiscal year, in the issuance of immigration visas to quota immigrants of such nationality preference shall be given to the wives and the unmarried children under 21 years of age of aliens lawfully admitted to the United States for permanent residence; and

"(3) The preference provided in paragraph (1) of subdivision (a) (relatives of American citizens) and in paragraph (2) of this subdivision shall not, in the case of quota immigrants of such nationality, exceed 90 per cent of the quota for such nationality. During such ensuing fiscal year the immigrants enumerated in paragraph (1) of subdivision (a) shall have priority in preference over those enumerated in paragraph (2) of this subdivision."

And to amend the title so as to read: "Joint resolution to amend the immigration act of 1924."

Mr. OVERMAN. Mr. President, I am going to object to that, because there was an understanding last night that certain bills should not be called up. My colleague objected to this bill, and I object to it now.

Mr. COPELAND. Mr. President, I ask that the Senate do not concur in the amendments and that the joint resolution be sent back for further conference.

The VICE PRESIDENT. Is there objection?

Mr. OVERMAN. I object to its consideration at all.

Mr. COPELAND subsequently said: Mr. President, the Senator from North Carolina, as I understand, withdraws his objection to my request that the House amendments to the immigration joint resolution be disagreed to and that a conference

be requested, the Vice President to appoint the conferees on the part of the Senate, with the understanding that if it comes back with any amendments which are offensive, we will then not insist on a vote.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and the Vice President appointed Mr. JOHNSON, Mr. WILLIS, and Mr. COPELAND conferees on the part of the Senate.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following resolution:

*Resolved*, That a committee of three Members be appointed by the Speaker to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some further communication to make to them.

And that the Speaker, in compliance therewith, had appointed Mr. TILSON, Mr. GREEN of Iowa, and Mr. GARRETT of Tennessee as the committee on the part of the House.

#### NOTIFICATION TO THE PRESIDENT

Mr. CURTIS. Mr. President, I ask for the immediate consideration of the following resolution.

The resolution (S. Res. 381) was read and agreed to as follows:

*Resolved*, That a committee of two Senators be appointed by the Vice President to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inquire if he has any further communications to make to them prior to the adjournment of the present session of Congress.

The VICE PRESIDENT. The Chair appoints the Senator from Kansas [Mr. CURTIS] and the Senator from Arkansas [Mr. ROBINSON] as the committee on the part of the Senate.

#### HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. MOSES. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 110.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution from the Senate (S. J. Res. 110) authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code System under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code System for all governmental, administrative, or publication purposes for which the same may be desirable, which were, to strike out the preamble; on page 5, line 5, after the word "House," to insert "all of whom shall have been elected to the Seventieth Congress"; on page 5, line 6, after the word "System," to insert "which may sit during recess"; on page 6, to strike out all after "be" in line 9 down to and including "manner" in line 11 and insert "estimated, and the committee shall report to both the Senate and the House of Representatives the result of its investigation, together with its recommendations, and shall prepare and submit bills or resolutions having for their purpose the adoption of such recommendations"; on page 6, line 18, to strike out "such experts and other employees to render"; on page 6, line 20, to strike out all after "for," down to and including "reasonable," in line 21, and insert "and to make such reasonable expenditures as may be necessary for the proper conduct of its work, such expenditures to be paid in equal parts from the contingent funds of the House of Representatives and the Senate as from time to time may be authorized by resolutions of those bodies: *Provided*, That the total expenditures of the committee shall not exceed \$2,000."

Mr. MOSES. I move that the Senate concur in the amendments of the House.

Mr. REED of Missouri. Mr. President, that will displace the unfinished business, will it not?

The VICE PRESIDENT. It will not displace the unfinished business.

Mr. REED of Missouri. I would like to know something about this matter.

Mr. MOSES. Senate Joint Resolution 110 was sent to the House and was amended, and the amendments messaged back. I have simply moved to concur in the amendments which the House made.

Mr. REED of Missouri. What are the amendments?

Mr. MOSES. They are of a very trivial nature, I understand. This is the joint resolution introduced by the senior

Senator from Alabama [Mr. UNDERWOOD] with reference to authorizing the executive departments to negotiate with the holder of a patent for the use of the patent.

Mr. REED of Missouri. Very well. I have no objection.

The amendments were concurred in.

The VICE PRESIDENT subsequently appointed Mr. MOSES, Mr. BINGHAM, and Mr. COPELAND as the members on the part of the Senate of the joint committee created by the joint resolution authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code system under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code system for all governmental, administrative, or publication purposes for which the same may be desirable, approved March 4, 1927.

#### REPORTS ON CREDENTIALS

Mr. ERNST. Mr. President, upon the motion of the senior Senator from Missouri [Mr. REED], some 30 or more certificates of election of Senators were referred to the Committee on Privileges and Elections to report as to their form and regularity. I submit a report (No. 1716) covering all credentials except the credentials of FRANK L. SMITH, of Illinois, and WILLIAM S. VARE, of Pennsylvania, which are covered in a separate report. The report simply states that the certificates do not follow any regular form, but they all certify that the Senators elect therein named were duly elected to the Senate by their respective States. No recommendations of any kind are made by the committee.

With respect to the case of FRANK L. SMITH, appointed by the Governor of the State of Illinois, your committee was directed by resolution to report upon the prima facie right and also upon the final right of said SMITH to a seat in the Senate. Owing to the illness of Mr. SMITH, the committee was not able to complete its hearings, and the matter is now pending before the committee.

I now submit the report (No. 1717) upon the certificates of FRANK L. SMITH and WILLIAM S. VARE, as follows:

FRANK L. SMITH: Certificate of Hon. Len Small, Governor of the State of Illinois, that on the 2d day of November, 1926, Hon. FRANK L. SMITH was chosen by the qualified electors of the State of Illinois, as Senator from Illinois to represent that State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1927.

WILLIAM S. VARE: Certificate of Hon. John S. Fisher, Governor of the State of Pennsylvania, that at the election held on the 2d day of November, 1926, Hon. WILLIAM S. VARE was duly chosen by the qualified electors of the State of Pennsylvania a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1927.

The VICE PRESIDENT. The reports will be printed under the rule.

#### SENATOR FROM MAINE (REPT. NO. 1715)

Mr. ERNST. Mr. President, I desire to make just one other statement. The committee also files a report in the matter of ARTHUR L. GOULD, of Maine. The report is too long to be read. The substance of it is that he is entitled to his seat and recommends the dismissal of the charges against him. The Senator from Arkansas [Mr. CARAWAY] is familiar with that report.

Mr. CARAWAY. Mr. President, I am familiar with the report in the GOULD case. There is no question in the minds of the committee that he was entitled to his seat without any cloud.

I want to say with reference to the report touching the certificates of the Senator elect from Pennsylvania and the Senator elect from Illinois that the committee simply looked to the certificates and found the certificates regular on their face. It was the belief of the committee, and I presume everyone will concur in it, that it is the Seventieth Congress, and not the Sixty-ninth Congress, which is to deal with the question of whether they are entitled to their seats owing to some charges which have been made against those two Senators elect, and with that question, of course, the committee did not deal at all.

#### SENATORS FROM PENNSYLVANIA AND ILLINOIS

Mr. REED of Missouri. Mr. President, may I submit a matter of inquiry to the Senator from Arkansas? There was confusion in the Chamber and I am not certain that I heard the latter part of his remark, but if I did, his statement is that all the committee has done in the VARE and SMITH matters is to report that their credentials appear to be in proper form, but in no manner undertakes to pass upon the question of their right to a seat if that right is hereafter challenged?

Mr. CARAWAY. Yes; and further, that the Seventieth Congress and not the Sixty-ninth Congress must deal with those questions.

Mr. MOSES. And further than that there is absolutely no action to be taken on the reports. They are simply filed.

Mr. HARRISON. Mr. President, has there been any action taken on either report?

The VICE PRESIDENT. No action is required.

#### SENATOR FROM MAINE

Mr. KING. Mr. President, I think action ought to be taken upon the report submitted by the chairman of the committee in regard to the Gould case. If the chairman does not so move, I shall move that the report of the Committee on Privileges and Elections with respect to ARTHUR R. GOULD be adopted.

Mr. ERNST. That action should be taken, and I submit the motion.

The VICE PRESIDENT. The question is on agreeing to the motion submitted by the Senator from Kentucky to adopt the report of the Committee on Privileges and Elections in the Gould case.

The motion was agreed to.

#### CODIFICATION OF LAWS

Mr. WALSH of Montana. Mr. President, I have on my desk a copy of the codification of the laws of the United States of America, just off the press, a substantial, but not spectacular, part of the work of the present session of Congress, for which it and the country are indebted to the industry, the ability, and the legal acumen of the Senator from Kentucky [Mr. ERNST]. He expended upon it a stupendous amount of labor and secured the assistance, without substantial expense to the Government, of two of the great law publishing houses of the country. I have here a brief memorandum giving the history of this important piece of legislation, which I ask may be incorporated in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

In May, 1921, H. R. 12, known as the Little Code, passed the House and was referred to the Committee on Revision of the Laws of the Senate. It purported to be a complete compilation of all the laws of the United States in one volume, consisting of 10,747 sections.

The members of the Revision of the Laws Committee of the Senate at that time were: RICHARD P. ERNST, of Kentucky, chairman; Frank B. Kellogg, of Minnesota, and Nathaniel B. Dial, of South Carolina.

The committee was assured by many Members of the House that this code had been prepared with great care, that it was practically free from error, and should be at once enacted.

Letters from well-known persons, who, as results subsequently disclosed, had not examined it, urged the passage of this bill.

The Senate committee refused to take hasty action and its chairman spent many months in carefully examining the bill. This was a task the labor and difficulty of which it is hard to exaggerate. This labor was vastly increased by reason of the fact that there was no index to this huge volume. More than a year was occupied in this examination.

During this time, also, the various departments of the Government were examining those portions of the code relating to their respective departments, and a part of the time an expert was employed by the committee to aid it.

The result of these examinations was a complete demonstration that the code was fatally defective and the committee so reported to the Senate. The report set out in great detail the committee's objections to the bill.

At the next session of Congress the House passed a second bill, also known as the Little Code, H. R. 12, which was, with few exceptions, identical with the former code. This bill was referred to the Revision of the Laws Committee of the Senate, the committee then being composed of Senator ERNST, as chairman; Senator GEORGE WHARTON PEPPER, of Pennsylvania, and Senator WILLIAM CABELL BRUCE, of Maryland.

This committee reported June 3, 1924, setting out fully and in detail its objections to this bill, H. R. 12, and advised against its passage.

The committee of the Senate had from the first been clearly and strongly of the opinion that a work of this character and magnitude demanded a high order of legal knowledge and the best expert clerical help by men of experience in this particular line of work.

Therefore, before the adjournment of Congress, which occurred July 3, 1926, the Senate, at the request of the committee, placed \$10,000 at the disposal of the committee. Soon thereafter, to wit, July 22, 1926, the Committee on Revision of the Laws had a meeting, held in the office of Senator PEPPER in Philadelphia, and entered into the following contract:



UNITED STATES SENATE,  
Philadelphia, Pa., July 22, 1926.

HOMER T. CLARK, Esq., and M. B. WAILES, Esq.,  
Philadelphia, Pa.

DEAR SIR: We address you as representing, respectively, the West Publishing Co. and the Edward Thompson Co.

The Senate Committee on Revision of the Laws has had under consideration the proposal which you jointly have made to us as the outcome of the study undertaken by you at our request. We understand that your houses, working in cooperation, will undertake the preparation of a compilation to date of the Statutes of the United States, general and permanent in their nature, distributed under titles substantially as shown in the memorandum submitted and treated in the manner indicated in the sample title which you have prepared and which has been the basis of conference between us.

We further understand that you are willing for reasons which have also been discussed in conference to use the resources of your two houses for the preparation of this compilation on the basis of cost to you of such preparation, such cost to be within the limit of \$10,000.

We understand also that it is your suggestion that the work be proceeded with immediately and that by the time Congress convenes in December you will be in a position to deliver to the committee a sufficient number of the titles to make it possible for our work of examination to begin, and will deliver all of the titles to us ready for use as soon after the convening of Congress as you find it reasonably possible.

It gives me pleasure to say, on behalf of the Senate committee, that the proposal thus submitted by you is accepted. The appropriation at the disposal of the committee is \$10,000, and no difficulty will be met in working out a system of cost accounting by you, because the committee will be prepared to honor on receipt from time to time of such memoranda of expenditures, not exceeding the aggregate in the limit of cost, as you may submit to us.

In accepting your proposal the Senate committee desires to express appreciation not only of the proffered cooperation of your two great houses but of the spirit in which you have approached this task and the extremely helpful and satisfactory way in which you have indicated to us a solution of what seemed to be an insoluble problem.

Yours sincerely,

RICHARD P. ERNST,  
Chairman of the Senate Committee  
on Revision of the Laws.

The two publishing companies named in this contract, namely, the West Publishing Co., of St. Paul, Minn., and the Edward Thompson Co., of Long Island, N. Y., at once placed their best and most experienced men upon this work, and when Congress met the following December a large part of the work had been completed and was submitted to our committee for its approval.

Upon learning what the Senate committee had done, and after examining the splendid character of the work as it had progressed up to that time, the Committee on Revision of the Laws of the House has ever since heartily cooperated with the Senate committee. (The House reported out the bill.)

The Senate outlined the plan, made the contract, and paid the consideration for the work out of its own contingent fund. The House subsequently arranged for the making of and the payment for the making of the index and in every other possible way has been assisting in the completion of the work.

The complete work will be ready for delivery in a few days. The Committee on Revision of the Laws of the Senate has thus provided the most complete compilation of the Federal laws ever yet made.

As is well known, some \$300,000 were heretofore expended in a vain effort to obtain a similar compilation. The cost in this instance has been inconsiderable.

Mr. WALSH of Montana. I desire also to say that, next to the Senator from Kentucky, another retiring Senator, the senior Senator from Pennsylvania [Mr. PEPPER], is entitled to the thanks of the Congress and of the country for his assistance in the preparation of this important code of laws. It is a codification of the existing laws, not an authoritative enactment of them but a compilation of great convenience to the bar of the country and others interested.

#### ADJUSTMENT OF ACCOUNT OF THE STATE OF NEW YORK

Mr. OVERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 207) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906, having met, after

full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, and 3, and agree to the same.

Amend the title so as to read: "Joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906, and further directing the Comptroller General of the United States to restate and readjust the account between the State of North Carolina and the United States for and on account of advances and expenditures made by said State in the War of 1812 to 1815"; and the Senate agree to the same.

GEORGE W. NORRIS,  
LEE S. OVERMAN,

Managers on the part of the Senate.

GEO. S. GRAHAM,  
EARL C. MICHENER,  
H. S. G. TUCKER,

Managers on the part of the House.

The report was agreed to.

#### INVESTIGATION OF LOBBYING ACTIVITIES

Mr. GLASS. Mr. President, I ask unanimous consent that Senate Resolution 355, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate and which has been favorably reported by that committee, be considered and passed.

Mr. MOSES. May we have the resolution read?

Mr. GLASS. It is a resolution authorizing the Banking and Currency Committee of the Senate to investigate the lobbying activities against the so-called McFadden banking bill.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to as follows:

*Resolved*, That the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized and directed to conduct a thorough investigation of alleged lobbying activities in connection with the banking bill (H. R. 2, 69th Cong.). For the purposes of this resolution such committee or subcommittee is authorized to hold such hearings, to sit at such times and places, to employ such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not exceed the sum of \$2,500, shall be paid from the contingent fund of the Senate. Such committee or subcommittee shall report to the Senate on or before January 1, 1928, with such recommendations as it deems advisable.

LILLIE F. EVANS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1818) for the relief of Lillie F. Evans, which were, on page 1, line 4, after the word "pay," to insert a comma and "out of any money in the Treasury not otherwise appropriated"; on page 1, line 5, after the word "Georgia," to insert "in full settlement against the Government"; and on page 1, line 5, to strike out "\$7,500" and insert "\$5,000."

Mr. GEORGE. I move that the Senate concur in the House amendments.

The motion was agreed to.

#### AMENDMENT OF THE MERCHANT MARINE ACT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3896) to amend section 11 of the merchant marine act, 1920, and to complete the construction loan fund authorized by that section, which were, to strike out the preamble; on page 3, line 8, after the word "sales" to strike out "and operations"; and on the same page, line 11, after the word "board," to strike out "or revenues from vessels controlled by the board."

Mr. JONES of Washington. Mr. President, these are minor amendments that we intended to put on in the Senate committee, but overlooked them. I move that the Senate concur in the House amendments.

The motion was agreed to.

## ENGROSSMENT AND ENROLLMENT OF BILLS, ETC.

The VICE PRESIDENT laid before the Senate House Concurrent Resolution No. 60, which was considered by unanimous consent, and agreed to, as follows:

*Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.*

## SOLDIERS' HOME, MARION, IND.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4027) to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers at Marion, Ind., which was, on page 2, line 10, after the word "appropriated" to insert the following: "not more than."

Mr. WATSON. I move that the Senate concur in the House amendment.

The motion was agreed to.

## KATHERINE IMBRIE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 112) for the relief of Katherine Imbrie, which was, on page 1, line 9, after "1924," to insert:

The acceptance of this sum by Katherine Imbrie shall be in full settlement of all claims or demands for personal injuries suffered by her and for the death of her husband.

Mr. CURTIS. I move that the Senate concur in the House amendment.

The motion was agreed to.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker, in accordance with the provisions of the joint resolution approved March 4, 1927, entitled "Joint resolution authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code system for all governmental, administrative, or publication purposes for which the same may be desirable," appointed Mr. TEMPLE, Mr. NEWTON of Minnesota, and Mr. STEVENSON as the members of the joint committee on the part of the House; and also that the Speaker, in accordance with the provisions of the concurrent resolution (H. Con. Res. 56) for the appointment of a joint committee of the House and the Senate to join and participate in the celebration as representing the Congress of the United States in the observance of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, agreed to March 4, 1927, appointed Mr. TILSON, Mr. ACKERMAN, Mr. CRISP, and Mr. MOORE of Virginia as the members of the joint committee on the part of the House.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 3896. An act to amend section 11 of the merchant marine act, 1920, and to complete the construction loan fund authorized by that section;

S. 4027. An act to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers at Marion, Ind.;

S. 5339. An act to authorize the Secretary of the Treasury to enter into a contract to purchase, upon completion, a suitable building for customs and other governmental purposes in the city of New York;

H. R. 12563. An act for the relief of Walter B. Avery and Fred S. Gichner;

S. 1818. An act for the relief of Lillie F. Evans;

S. J. Res. 112. Joint resolution for the relief of Katherine Imbrie;

H. J. Res. 207. Joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906;

S. 1339. An act for the relief of Katherine Southerland;

S. 1640. An act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes;

S. 2202. An act to grant the right and time for appeal to plaintiffs in suit No. 33731 in the Court of Claims of the United States;

S. 2643. An act to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar;

S. 2729. An act to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum;

S. 2965. An act to prevent discrimination against farmers' cooperative associations by boards of trade and similar organizations, and for other purposes;

S. 3170. An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes;

S. 3286. An act to amend the interstate commerce act and the transportation act, 1920, and for other purposes;

S. 3665. An act for the relief of the owner of the ferryboat *New York*;

S. 3889. An act to regulate tolls charged for transit over highway bridges across the Red River between the States of Oklahoma and Texas;

S. 3963. An act to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon;

S. 4305. An act to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property;

S. 5112. An act to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

S. J. Res. 4. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries;

S. J. Res. 110. Joint resolution authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code system under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code system for all governmental, administrative, or publication purposes for which the same may be desirable; and

S. J. Res. 152. Joint resolution to amend subdivisions (b) and (c) of section 11 of the immigration act of 1924, as amended.

## ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 4, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1339. An act for the relief of Katherine Southerland;

S. 1640. An act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes;

S. 1661. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin;

S. 1818. An act for the relief of Lillie F. Evans;

S. 2202. An act to grant the right and time for appeal to plaintiffs in suit No. 33731 in the Court of Claims of the United States;

S. 2643. An act to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar;

S. 2729. An act to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum;

S. 2965. An act to prevent discrimination against farmers' cooperative associations by boards of trade and similar organizations, and for other purposes;

S. 3170. An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes;

S. 3286. An act to amend the interstate commerce act and the transportation act, 1920, and for other purposes;

S. 3665. An act for the relief of the owner of the ferryboat *New York*;

S. 3889. An act to regulate tolls charged for transit over highway bridges across the Red River between the States of Oklahoma and Texas;

S. 3896. An act to amend section 11 of the merchant marine act, 1920, and to complete the construction loan fund authorized by that section;



S. 3963. An act to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon;

S. 4027. An act to authorize the construction of three cottages and an annex to the hospital of the National Home for Disabled Volunteer Soldiers at Marion, Ind.;

S. 4247. An act to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of a new section in said act between sections 5 and 6 of said act, to be designated as "5a" of said act;

S. 4305. An act to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property;

S. 5112. An act to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

S. 5339. An act to authorize the Secretary of the Treasury to enter into a contract to purchase, upon completion, a suitable building for customs and other governmental purposes in the city of New York;

S. 5788. An act to extend the time for constructing a bridge across the Mississippi River between the city of Anoka, in the county of Anoka, and the village of Champlin, in the county of Hennepin, State of Minnesota;

S. J. Res. 4. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries;

S. J. Res. 110. Joint resolution authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code system under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code system for all governmental, administrative, or publication purposes for which the same may be desirable;

S. J. Res. 112. Joint resolution for the relief of Katherine Imbrie; and

S. J. Res. 152. Joint resolution to amend subdivisions (b) and (c) of section 11 of the immigration act of 1924 as amended.

#### PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that on March 4, 1927, the President approved and signed at the Capitol the following acts and joint resolutions:

S. J. Res. 4. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries;

S. J. Res. 110. Joint resolution authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman Geographic Code system under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code system for all governmental, administrative, or publication purposes for which the same may be desirable;

S. J. Res. 112. Joint resolution for the relief of Katherine Imbrie;

S. J. Res. 152. Joint resolution to amend subdivisions (b) and (c) of section 11 of the immigration act of 1924, as amended;

S. 1339. An act for the relief of Katherine Southerland;

S. 1640. An act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes;

S. 1661. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin;

S. 1818. An act for the relief of Lillie F. Evans;

S. 2202. An act to grant the right and time for appeal to plaintiffs in suit No. 33731 in the Court of Claims of the United States;

S. 2643. An act to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar;

S. 2729. An act to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum;

S. 2965. An act to prevent discrimination against farmers' cooperative associations by boards of trade and similar organizations, and for other purposes;

S. 3170. An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes;

S. 3286. An act to amend the interstate commerce act and the transportation act, 1920, and for other purposes;

S. 3665. An act for the relief of the owner of the ferryboat *New York*;

S. 3889. An act to regulate tolls charged for transit over highway bridges across the Red River between the States of Oklahoma and Texas;

S. 3896. An act to amend section 11 of the merchant marine act, 1920, and to complete the construction loan fund authorized by that section;

S. 3963. An act to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon;

S. 4027. An act to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers at Marion, Ind.;

S. 4247. An act to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of a new section in said act between sections 5 and 6 of said act, to be designated as "5a" of said act;

S. 4305. An act to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property;

S. 5112. An act to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War;

S. 5339. An act to authorize the Secretary of the Treasury to enter into a contract to purchase, upon completion, a suitable building for customs and other governmental purposes in the city of New York;

S. 5624. An act to provide for continued hospitalization at Liberty, N. Y., of certain beneficiaries of the Veterans' Bureau;

S. 5625. An act to provide for continued hospitalization at Saranac Lake, N. Y., of certain beneficiaries of the Veterans' Bureau; and

S. 5788. An act to extend the time for constructing a bridge across the Mississippi River between the city of Anoka, in the county of Anoka, and the village of Champlin, in the county of Hennepin, State of Minnesota.

#### NORTHERN PACIFIC LAND GRANTS

The VICE PRESIDENT, in accordance with the provisions of section 3 of the joint resolution approved June 5, 1924, entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," appointed Hon. WESLEY L. JONES, a Senator elect from the State of Washington, as a member of the joint committee created under said act to fill the vacancy that will occur to-day by reason of the expiration of the term of service of Hon. ROBERT N. STANFIELD.

#### NOTIFICATION TO THE PRESIDENT

Mr. CURTIS and Mr. ROBINSON of Arkansas appeared, and

Mr. CURTIS said: Mr. President, the committee appointed by the Senate to join a similar committee appointed by the House to wait upon the President and inquire if he has further communication to make before Congress adjourns, were informed by the President that he has no further communication to make to the Congress.

#### UNITED STATES VETERANS' BUREAU AND BUREAU OF PENSIONS

Mr. HARRISON addressed the Senate for a few minutes.

Mr. WARREN. Mr. President, will the Senator yield to me?

Mr. HARRISON. If I do not yield the floor.

Mr. WARREN. I ask the Chair to lay before the Senate House Joint Resolution 379, so that it may be read.

Mr. WALSH of Massachusetts. Mr. President—

Mr. McKELLAR. Let it be read.

The VICE PRESIDENT. The Chair lays the joint resolution before the Senate.

The joint resolution (H. J. Res. 379) making appropriations for the United States Veterans' Bureau and the Bureau of Pensions was read the first time by its title and the second time at length, as follows:

[H. J. Res. 379, 69th Cong., 2d sess.]

*Resolved, etc.*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the United States Veterans' Bureau and the Bureau of Pensions, namely:

#### UNITED STATES VETERANS' BUREAU

Military and naval compensation: The unexpended balance of the appropriation, "Military and naval compensation, Veterans' Bureau,

1926 and prior years," is hereby made available for the fiscal year 1927 and prior years, and, in addition thereto, unexpended balances of appropriations of the United States Veterans' Bureau are hereby reappropriated and made available under the appropriation "Military and naval compensation, Veterans' Bureau, fiscal year 1927 and prior years," as follows: Medical and hospital services, fiscal year 1925, \$9,000,000; and vocational rehabilitation, fiscal year 1925, \$26,000,000.

Veterans' loan act: To carry out the provisions of the act entitled "An act to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted service certificates," approved March —, 1927, there is hereby made available for the fiscal years 1927 and 1928 a sum not exceeding \$25,000,000 of the adjusted service certificate fund.

DEPARTMENT OF THE INTERIOR  
BUREAU OF PENSIONS

Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, fiscal year 1927, \$37,200,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

The appropriation for Army and Navy pensions, contained in the Interior Department appropriation act for the fiscal year 1928, shall be available on and after the date of the approval of this joint resolution.

Mr. WARREN. Mr. President, I ask unanimous consent that we may take up the joint resolution for passage at this time.

Mr. WALSH of Massachusetts. Mr. President, I object.

Mr. WARREN. Then, Mr. President, I move that it be taken up.

Mr. WALSH of Massachusetts. On that I demand the right to speak.

Mr. HARRISON. I yield to the Senator if I do not lose the floor.

The VICE PRESIDENT. A report of this sort, under an objection, lies over a day under the rule.

Mr. WARREN. Mr. President, if the Senator will give me just a moment, I did not suppose that we had arrived at that condition of degeneration where we propose really to rob these people of the amount of money that is necessary for their support. I do not believe now, if all is understood, that the Senate expects to do a thing of that kind on the objection of any single Senator. Therefore, as before, I move that we take up and pass the joint resolution as it came from the House.

The VICE PRESIDENT. The question is upon the motion of the Senator from Wyoming.

SEVERAL SENATORS. Yeas and nays!

Mr. WALSH of Massachusetts. Mr. President, I make the point of order that the motion is not in order under the rule.

The VICE PRESIDENT. The point of order is well taken.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the rules be suspended in that regard.

Mr. HARRISON. I object. I want to proceed.

The VICE PRESIDENT. The Senator from Mississippi declines to yield further.

THE LEGISLATIVE SITUATION

Mr. HARRISON. Mr. President, it would seem quite appropriate that the Senator from Kentucky [Mr. EANS], as one of his last acts in this body, should make the report from the Committee on Privileges and Elections to seat Mr. ARTHUR R. GOULD as a Senator from the State of Maine. And also quite appropriate for him to make these reports on SMITH, of Illinois, and VARE, of Pennsylvania. I say it is appropriate that he should make these reports because he is one of the unlucky 13 who voted against the original resolution to conduct these investigations—investigations, the most startling in uncovering corruption in elections of any in the history of the Government.

It is appropriate, too, that such action should be requested now, amid all this turmoil and confusion, concocted and carried through under the leadership of the junior Senator from Pennsylvania [Mr. REED]. We might have expected, such conduct from the Senator from Pennsylvania—conduct, the result of which has defeated much pending legislation. The country will not be surprised, after his conduct during the past few days, that in his very able way, adroit lawyer that he is, he should defend it this morning by offering an excuse in attempting to place the blame upon Senators on this side of the aisle. That shows his good qualities as a lawyer. We find this distinguished Senator from Pennsylvania carrying on a filibuster against the further investigation of political corruption in his own State and then adding to that the inexcusable

pretense of trying to get the Senate to take favorable action upon the credentials of his new colleague, Mr. VARE. While the Senator, in projecting that method of filibustering, was merely causing additional discussion, thereby prolonging the debate and making more certain the defeat of the urgent deficiency appropriation bill, the alien property bill, the public buildings bill, and many other measures of importance upon the calendar, he was so unfair as to refuse to read at the time the letter from a high official of his State which says that the election of VARE in Pennsylvania was bought and stolen, that the credentials are tainted with fraud and corruption, and that he is not entitled to a seat in this body.

He goes to the extent of refusing to send credentials here that VARE is entitled to a seat in the United States Senate. I know not why the Senator from Pennsylvania, following his remarks, citing the supposed credentials from the new governor of his State, refused to read what Governor Pinchot said.

But, Mr. President, we are fortunate that that letter is in the CONGRESSIONAL RECORD. I do not know whether it has been carried to the country as it should have been, but if there is one man in whose integrity, honesty, and high purpose the people of Pennsylvania and the country have confidence it is the former Governor of Pennsylvania, Mr. Pinchot. One may not agree with him in reference to his policies of government, but all men must concede that he is prompted by high ideals and progressive thoughts. He was in the melee in Pennsylvania; he knew, as few other men knew, what was going on there. He knew the avenues that had been traveled by the corrupt influences in Pennsylvania for years. He had seen the stains left from their winding trails. He knew that one political machine in that State, headed by DAVE REED and Andy Mellon, was just about as corrupt as the other one which was led by VARE and his cohorts. So he watched their maneuvers in that campaign. I doubt that he ever thought he could be elected, because he knew he was "up against" two too powerful machines; that they were led by two master minds, men who could hoodwink and deceive the man of ordinary intellect; men who possessed the intellectual ability as well as the financial accoutrements; that they had become powerful not only in the industrial and commercial and banking world but in the politics of the Nation. So it was natural that this man, the former Governor of Pennsylvania, in sending his report to this body, in transmitting to the Senate the supposed credentials of Mr. VARE, should have written his thoughts; and it is natural also that the junior Senator from Pennsylvania should not desire to give utterance to them.

Mr. REED of Pennsylvania. Mr. President, does the Senator from Mississippi think it deserves to be printed twice? It had already been printed in the RECORD.

Mr. HARRISON. It deserves to be printed and branded upon the Senator's breast, and even then I fear it would not do him any good. [Laughter.]

Here is what the former Governor of Pennsylvania said about the newly elected Senator from Pennsylvania; here are the expressions that the junior Senator from Pennsylvania, in his filibustering tactics, refused to read to the body and to allow the country to be again impressed with their veracity. Said the Governor of Pennsylvania:

To the President of the Senate of the United States—

He wrote the letter to the President of the Senate, but it is said that the credentials were transmitted to Mr. VARE. All right. What did Mr. VARE do with them? He came here and took into his confidence his former political enemy, but now his champion and apostle upon this floor, the junior Senator from Pennsylvania. And what did the junior Senator from Pennsylvania do? Did he come to the floor of the Senate and read them to the Senate? No; he locked them in his desk, and yesterday, amid all this filibustering, evidently he was afraid to leave them there, so he put them in his pocket, and he carried them around with him. [Laughter.] Then he tells the Senate that he has them on his own person. Here is what the former Governor of Pennsylvania wrote:

To the President of the Senate of the United States:

This is to certify that on the face of the returns filed in the office of the secretary of the Commonwealth of the election held on the 2d day of November, 1926, WILLIAM S. VARE appears to have been chosen by the qualified electors of the State of Pennsylvania a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1927.

The form of words customarily used for such certificates by the governors of this Commonwealth and the form recommended by the Senate of the United States both include certification that the candidate in question has been "duly chosen by the qualified electors" of the Commonwealth.



Now listen, Senators. The Senator from Pennsylvania knows the contents of that letter by heart, I suppose, as he has read it so much. Says former Governor Pinchot:

I can not so certify, because I do not believe that Mr. VARE has been duly chosen. On the contrary, I am convinced—

"I am convinced," says the Governor of Pennsylvania—

and have repeatedly declared that his nomination was partly bought and partly stolen.

Could he have employed stronger language? "Partly bought and partly stolen."

Mr. ROBINSON of Arkansas. Mr. President, who made that statement?

Mr. HARRISON. The former Governor of the great State of Pennsylvania made that statement, that Mr. VARE's nomination was "partly bought and partly stolen." I do not know who were his coconspirators at that time. Of course, it could not be charged to the Senator from Pennsylvania, because he was conspiring with others, who, it is said, were just as great thieves—of course, I mean political thieves—in Pennsylvania as were Mr. VARE and his cohorts.

Says the former Governor of Pennsylvania:

that his nomination was partly bought and partly stolen, and that frauds committed in his interest have tainted both the primary and the general election.

Even though the junior Senator from Pennsylvania was not supporting Mr. VARE in the primary and might be excused from any charge of political theft and fraud and corruption and graft in that instance, yet the governor of his State says that fraud tainted both the primary and the general election in that State.

That was the election in which the junior Senator from Pennsylvania was taking part. He was then taking quite a large part; he was making frequent sallies up into the Pittsburgh district. He did not go to Philadelphia because they did not like him over in Philadelphia. VARE and his friends in Philadelphia hated him, and some have been so mean as to say that my friend who comes up for reelection next year in Pennsylvania, knowing that he could not be renominated, let alone reelected, without the VARE machine in Philadelphia, is trying to win the support of VARE and gain the support of his machine in the contest for his reelection. Of course, the Senator from Pennsylvania knows whether he is prompted by any such high purpose as that; I imagine that should he now rise in his place in the Senate he would disown any such idea; yet there are people in the country who really believe that he fears because of the opposition he showed and the strong fight he made in the primaries in Pennsylvania against VARE that he would not have a chance next year for reelection unless the Senator now gives to VARE the benefits of his power in this body. Ah, if his judgment were as good as is his ability as a lawyer, and as is his knowledge of the law he should be a great man [laughter]; but his judgment, as proven by the circumstances of the last few days, is so bad that I must class him as a very poor man—of course, that does not mean financially. [Laughter.]

I hope that in making this tremendous fight, even to the extent of his physical strength to filibuster against this resolution, in order to prevent further investigation into Pennsylvania political affairs, he is not prompted by the purpose which, as I have said, some people believe inspires him, of trying to draw VARE close to him; aye, of placing VARE under obligations to him in his campaign next year.

However, Mr. President, I did not finish reading this remarkable letter.

Mr. PHIPPS. Mr. President, may I inquire if this letter—

Mr. HARRISON. I will get to the Senator in a minute.

Mr. PHIPPS. Oh, well, that is all right.

Mr. HARRISON. I will not yield now.

Mr. PHIPPS. Will not the Senator yield for a question?

Mr. HARRISON. I will get to the Senator in a moment. He has been twisting and squirming in his seat since—

Mr. PHIPPS. Not at all—

Mr. HARRISON. Since this resolution was first advanced, and if he does not watch out we will catch him on the run before it is over. [Laughter.] What we are after is no secret around here. Those who squirm and twist in their seats and employ their influence with their colleagues over there in the high places to which their colleagues have elevated them—one, for instance, as chairman of the senatorial Republican campaign committee—may need a little investigation himself.

Mr. PHIPPS. It will be welcome.

Mr. HARRISON. Welcome! Then if the Senator will write into this resolution "the State of Colorado," and will permit it

to pass, we will get through here in harmonious action. Will the Senator do that?

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HARRISON. Yes; I yield.

Mr. PHIPPS. Would the Senator also be willing to write in the State of Tennessee?

Mr. HARRISON. Yes; we will write into the resolution the State of Tennessee. Let us adopt it in that form.

Mr. REED of Missouri. Mr. President, I ask unanimous consent to proceed now to the consideration of the resolution, amended by inserting the State of Pennsylvania, the State of Illinois, the State of Colorado, and the State of Tennessee.

Mr. REED of Pennsylvania. Would the Senator also add Mississippi and Alabama?

Mr. HARRISON. Yes.

Mr. REED of Missouri. Yes.

Mr. REED of Pennsylvania. Put them both in?

Mr. REED of Missouri. Yes.

Mr. REED of Pennsylvania. And would the Senator permit the Privileges and Elections Committee to make the investigation?

Mr. REED of Missouri. Oh, yes; of course. [Laughter.]

Mr. REED of Pennsylvania. Reserving the right to object, Mr. President, I do not want to detract too much from the Madison Square Garden speech which the Senator from Mississippi is now making—

Mr. HARRISON. I am not going to yield to the Senator from Pennsylvania for a speech. I will yield for the Senator to give his assent to the adoption of this resolution.

Mr. REED of Pennsylvania. Then the Senator need not yield at all, because I object.

Mr. HARRISON and Mr. REED of Missouri. I thought so.

Mr. HARRISON. The Senator's tactics now are the same as they have been for the last week, and yesterday he patted himself on the back and said he would receive the cheers of the populace for such action. The cheers will be mighty weak. You may receive the cheers of the VARE following in the city of Philadelphia, but you will not receive the cheers of the honest Pennsylvanians, and men and women throughout the country, who believe in pure and unbought elections. The kind of cheers the Senator will receive are the same as those given by a guilty criminal to an astute lawyer for rendering valuable services.

Mr. MOSES. Mr. President, may I ask the Senator a question?

Mr. HARRISON. No; I want to proceed now. We offered a fair proposition.

Mr. MOSES. It is with reference to that proposition that I wish to ask the question.

Mr. HARRISON. No; I do not yield now.

Mr. REED of Pennsylvania. So that the Senator from Wyoming may renew his motion.

Mr. HARRISON. I object. I have not yielded to the Senator from Pennsylvania.

The VICE PRESIDENT. The Senator from Mississippi has the floor.

Mr. HARRISON. I do not object to yielding to the Senator from Wyoming, who has sat here for days and nights trying to pass his bill against these obstructionists. It is all right; but I shall not permit my time to be taken up for the purpose of having the Senator from Pennsylvania make a hypocritical gesture here at this time, when what he now pretends to do he has opposed doing for two days.

Mr. WALSH of Massachusetts. Mr. President, I ask the Senator from Mississippi to yield to me to make a statement about my objection.

Mr. HARRISON. I yield.

Mr. WALSH of Massachusetts. Mr. President, I think it is opportune that I should explain briefly the course I have assumed. It will take but a minute or two, and I thank the Senator from Mississippi for giving me the opportunity. He has a right to the floor until 12 o'clock, and if he did not yield I would have no opportunity to speak.

To understand what has been taking place here we must go back to the beginning of this filibuster and consider what its purpose was, what the plan and scheme was in the minds of the men who undertook it, their purpose.

[Mr. WARREN addressed Mr. WALSH of Massachusetts in an undertone.]

Mr. WALSH of Massachusetts. I will say to you, sir, that I have objected, and I will not say anything to you in private that I will not say publicly.

Mr. WARREN. I ask the Senator to say publicly that he withdraws his objection.

Mr. WALSH of Massachusetts. Mr. President, I decline to withdraw my objection. I am making an explanation now.

Mr. WARREN. The Senator's explanation will not be satisfactory.

Mr. NORBECK. Mr. President, may I ask the Senator from Massachusetts—

Mr. WALSH of Massachusetts. May I have the floor, please?

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. WALSH of Massachusetts. The purpose of the gentlemen who planned this filibuster, which began weeks ago—

Mr. MOSES. A point of order, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. MOSES. Can the Senator from Mississippi yield to have speeches made here and still retain the floor?

The VICE PRESIDENT. He can not do so if objection is made.

Mr. HARRISON. Of course I yielded with the understanding that I would not lose the floor.

Mr. MOSES. No such understanding was had with me, Mr. President.

The VICE PRESIDENT. The Senator from Mississippi will have to rely upon the preservation of his rights by the Chair.

Mr. HARRISON. I do not want to lose the floor.

The VICE PRESIDENT. The Chair will state to the Senator from Mississippi that when the Senator from Massachusetts concludes his remarks he will be recognized—

Mr. SMOOT. Mr. President, I did not hear what the Chair said.

The VICE PRESIDENT. The Chair said to the Senator from Mississippi that after the conclusion of the remarks of the Senator from Massachusetts, if he rose and addressed the Chair first, he would be recognized.

Mr. HARRISON. I will be on the job.

The VICE PRESIDENT. And the Chair will be looking in his direction, he will say, also.

Mr. SMOOT. Oh, well—

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. Is there any time between now and 12 o'clock that has not been farmed out?

The VICE PRESIDENT. No time has been farmed out. The Chair has made no agreement to recognize any Senator.

Mr. NORRIS. I understood the Chair to say to the Senator from Mississippi that he would recognize him.

Mr. GOODING. Does the Chair recognize that the other side is monopolizing all the time that remains before final adjournment?

Mr. SWANSON. A point of order, Mr. President.

The VICE PRESIDENT. The Chair recognizes in general that in some way the public interests are being sacrificed. The expedition of public business is much to be desired; but the Chair is powerless to take any action in the matter except to recognize the Senator who first rises and says, "Mr. President."

Mr. SMOOT. Provided he is looking in that direction.

Mr. WALSH of Massachusetts. I thank the Vice President for his courtesy.

The plan of this filibuster was that by showing great nerve and courage on the part of its promoters, a time would come in the Senate when two-thirds of this body would surrender their principles, and, for the sake of preventing criticism against them because of the failure of appropriation bills, they would yield. The issue from the beginning of this filibuster and up to this hour has been, Where was the cowardice, and where was courage and principle? I want to say, in fairness to the Senator from Pennsylvania and the Senator from New Hampshire, that they have had courage, and they have had nerve, and they have played their game well. It was to carry this filibuster to an end, even if it defeated all of these appropriation bills, or carry it to a point where two-thirds of the Senate would run to a humiliating retreat, forget their principles, and yield to the pressure for the passage of deficiency bills without any consideration or knowledge of them by the Senate.

Mr. President, this is political blackmail. It is legislative banditry. If this were not a legislative body, such conduct as we have witnessed here, if perpetrated by a minority outside of this Chamber, would be considered tyrannical and criminal.

Yet here, under rules—elastic rules—two men, and a few others following their lead, have proceeded to keep us here day and night, thinking that when the crisis came, when the last moment arrived, their talk of money for veterans, talk of money for erecting new buildings, talk of a few appropriation bills, would make us all wilt and fade away, and we would all forget our principles and join with them in their filibuster in order to permit the appropriation bills to become law.

Mr. President, we are trying out here an issue that will not end with the adjournment of this session at 12 o'clock. The question is whether two-thirds of this body have a right to vote on a great public question.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. Mr. President, I do not yield.

Mr. STEWART. Will the Senator yield for a question?

Mr. WALSH of Massachusetts. When we come back here in December, if the same sort of conduct is undertaken again, they can carry on for weeks and for months—

Mr. STEWART. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. STEWART. Will the Senator yield for a question?

Mr. WALSH of Massachusetts. Mr. President, I am sorry, but I do not yield.

The VICE PRESIDENT. The Senator declines to yield.

Mr. WALSH of Massachusetts. They can carry on for weeks and for months these very same tactics and prevent any legislation of any character whatever from being enacted into law. It is time to know definitely whether we possess legislative freedom or the tyranny of a few.

I protest against that kind of government, and I want my course to be clearly understood—

Mr. SHORTRIDGE. Mr. President—

Mr. WALSH of Massachusetts. That I am objecting to being blackjacked, to being held here day and night until within two hours of adjournment, and then to having bills of momentous consequence passed here by unanimous consent without debate or deliberation or even knowledge of their contents.

I do not propose to stand for days and nights for a principle such as we have been fighting for here, and then to be blackjacked in the last hour into reversing my position and abandoning my cause because of the suggestion that some appropriation bill is needed.

Mr. SHORTRIDGE. Will the Senator yield for a bit of advice?

Mr. HARRISON. Mr. President—

The VICE PRESIDENT. The Chair recognizes the Senator from Mississippi in his own right.

Mr. STEWART. Mr. President—

Mr. HARRISON. I yield for a question.

Mr. STEWART. It is a question I wanted to address to the Senator from Massachusetts.

Mr. HARRISON. Address the question to me, please.

Mr. STEWART. I shall. The Commissioner of Pensions has said that if this joint resolution is not adopted, he will have to suspend payments to many Civil War widows, women 80 and 90 years of age.

Mr. HARRISON. That is not a question.

Mr. STEWART. Does the Senator, then, want to assume the responsibility of having these poor old ladies go without the means of livelihood? That is the question.

Mr. HARRISON. Mr. President, if the Senator will just turn around to the Senator from Pennsylvania, who is now in the door of the cloakroom, and suggest that question, it may be that he could answer it.

Mr. STEWART. But we still have time—

Mr. HARRISON. Mr. President, the Senator from Pennsylvania has had plenty of time. He stood here for three days and objected to all this legislation. We have made every effort, sitting up all night, making proposals for unanimous consent every one, two, or three hours.

Mr. STEWART. We still have time to pass that joint resolution.

Mr. HARRISON. I object to the Senator talking until I yield for a question.

The Senator from Pennsylvania has objected, or the Senator from New Hampshire has objected, or the Senator from New York has objected.

Mr. MOSES. As a matter of personal privilege, Mr. President, I must protest.

Mr. President, a question of personal privilege.

Mr. HARRISON. I object to being taken off the floor.

The VICE PRESIDENT. One Senator can not take another off the floor on a question of personal privilege. The Senator from Mississippi.

Mr. HARRISON. Mr. President, the Senator from Pennsylvania this morning employed this language, "There need not be any doubt as to who is the cause of the killing of this legislation," trying to give the impression that we on this side were the cause of it and that we were prompted by pique. Coming from the Senator from Pennsylvania, knowing the facts



as he does, he knows that that statement is not substantiated by the real facts.

Mr. SHORTRIDGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from California?

Mr. HARRISON. I refuse to yield.

Mr. SHORTRIDGE. Let us forget politics and pass this most important measure.

Mr. HARRISON. I refuse to yield to the Senator.

The Senator from Pennsylvania and his cohorts on the other side objected to the prohibition bill being taken up. They used time even on that measure. They have employed every expedient. They have raised their objections, notwithstanding the fact that the Senator from Pennsylvania, as one of the influential members of the Finance Committee, was designated as the member of that committee to handle upon the floor of this body the alien property bill.

Mr. REED of Pennsylvania. Will the Senator yield to me?

Mr. HARRISON. I shall yield for a question.

Mr. REED of Pennsylvania. Is the Senator going to speak until 12 o'clock.

Mr. HARRISON. I do not know whether I will or not. I do not think the Senator will stay here if I speak until 12 o'clock, because I do not think he can stand it. I refuse to yield further.

The Senator from Pennsylvania is the Senator who was designated to handle the alien property bill on this floor. Yet he is the Senator who, instead of pressing that important legislation, which has been before the Congress for years, which measure had passed the House of Representatives, employed his position here to filibuster and to defeat it.

Mr. REED of Pennsylvania. The Senator knows that I tried to get it up—

Mr. HARRISON. Late in the afternoon yesterday he made an effort, a mere gesture, to take it up, when the Senator from Missouri and the Senator from Arkansas had asked unanimous consents for its consideration, had expressed the hope of even cutting down the time for its consideration. That would have procured a vote.

Let him go back and receive the cheers of the thugs and the corruptionists of Pennsylvania, and let them say to him that he is a "knight of the closed and corrupt ballot box," but let him at the same time explain, if he can, to those American and German claimants who have been fighting to get their money out of these funds for years how he defeated the legislation. I do not think he could do it, and I do not believe even with his strong influence with Andy Mellon he can explain to Andy how he defeated the public buildings bill.

Ah, in the coming campaigns the Senator from Pennsylvania and his associates who have defeated these bills will not be invited to go into this district and that State which need public buildings, because it will be known that he and they were the ones who, through their filibustering tactics, allowed the buildings bill to die upon the calendar.

I did not finish reading what the governor of his State said about the corruption in Pennsylvania. Let me finish.

Mr. PHIPPS. Mr. President, is this the same governor who was an opponent of Mr. VARE?

Mr. HARRISON. This is the same governor who runs cleaner politics in Pennsylvania than the Senator runs politics in Colorado.

The governor further said:

On the contrary, I am convinced, and have repeatedly declared, that his nomination was partly bought and partly stolen, and that frauds committed in his interest have tainted both the primary and the general election. But even if there had been no fraud in the election, a man who was not honestly nominated can not be honestly entitled to a seat.

The stealing of votes for Mr. VARE, and the amount and the sources of the money spent in his behalf, make it clear to me that the election returns do not in fact correctly represent the will of the sovereign voters of Pennsylvania.

Therefore, I have so worded the certificate required by law that I can sign it without distorting the truth.

Ah, those words were written in the letter to the Senate. I am wondering what the Senator from Pennsylvania—not Senator PEPPER, but the junior Senator from Pennsylvania—thought when he heard the returns coming in the night of the election.

Mr. REED of Pennsylvania. If the Senator will give me a moment—

Mr. HARRISON. If he did not think there was corruption and graft in the election in that State. Over \$800,000 was proven by this committee to have been expended by Mr. VARE, a million or a million and a half, approximately that amount,

spent by his colleague who sits in this body for seven minutes longer to-day. I have read to you what Governor Pinchot thought of VARE and his election. Let me read you now the opinion of our fighting and filibustering friend what he thought of VARE and VARE methods.

Here is a part of a speech made by the distinguished Senator from Pennsylvania [Mr. REED] just a few nights before the primary election in Pennsylvania, when he left his many duties here and went forth to Pittsburgh, not to Philadelphia, because they might have driven him out of Philadelphia. They will not the next time, not after the fight he has made for VARE here now. The VAREites will receive him with open arms. I do not know, though, how the people in Pittsburgh will receive their Little Lord Fauntleroy. They might change their opinion about this statesman from Pittsburgh. But here is what he said in the speech:

Mr. SHORTRIDGE. I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. SHORTRIDGE. The Senator is manifestly violating a written rule of the Senate, in this, that he is imputing to a Senator unworthy motives, or conduct unbecoming a Senator.

Mr. REED of Pennsylvania. Mr. President—

Mr. HARRISON. I congratulate myself that I have convinced even the Senator from California that the Senator from Pennsylvania was wrong.

Mr. SHORTRIDGE. The Senator seems to think that is wit, or shows some statesmanship. It is a Mississippi type—or his type.

Mr. HARRISON. If the tall sycamore from the Golden Gates of the West will just sit down and possess himself in patience, we will get along all right.

Mr. President, I am going to read just a part from the speech of the Senator from Pennsylvania [Mr. REED] when he was opposing Mr. VARE and supporting Mr. PEPPER. This is what he said:

VARE's attempt to drag in the liquor question is a false alarm. In my four years in the United States Senate I have never yet had an opportunity to vote on this question in any form.

He had an opportunity the other day and voted against it.

Mr. REED of Pennsylvania. I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Pennsylvania. The Senator is misstating the record.

Mr. HARRISON. If the Senator voted for it, I did misstate the RECORD.

Mr. REED of Pennsylvania. I voted for it.

Mr. HARRISON. I congratulate the Senator on casting one good vote in his senatorial career.

Mr. REED of Pennsylvania. The Senator might as well have one statement correct in his remarks.

Mr. HARRISON. I have corrected that statement. I have congratulated the Senator.

I continue reading from the speech:

His experience, if he is elected, would be the same.

The questions on which he would be required to act are the live questions of the tariff, immigration, taxation, banking, farm relief.

I suppose Andy Mellon suggested that the word "banking" be put in there.

Mr. CARAWAY. "Farm relief," too.

Mr. HARRISON. And farm relief, "railroads, foreign affairs, and shipping."

Mr. CARAWAY. Is there anything in there about oil?

Mr. HARRISON. There is nothing about oil. That was left out.

Mr. CARAWAY. That was an oversight.

Mr. HARRISON. I do not know whether it was intentionally left out or not.

Mr. REED of Pennsylvania. Mr. President, we can not hear the colloquy. Will not the Senator speak louder?

Mr. HARRISON. The Senator from Arkansas asked me why the Senator left out oil, and I told him the Senator was the only one who could tell him, that I did not know whether he did it intentionally or not.

In the contest over the governorship the whole political future of Pennsylvania is at stake.

It was at stake that night, just as it is to-day at stake, when the Senator from Pennsylvania is fighting to draw VARE to him, so he can hold on to his seat in the United States Senate.

"The whole political future in Pennsylvania is at stake," said the Senator from Pennsylvania.

We can not and will not submit the State to the domination and control of a small group of Philadelphia ward leaders who know nothing of, and care nothing for, the interests of the rest of the State.

Those are the golden words that fell from the silver lips of my flibustering friend from the Smoky City of Pittsburgh, and as I pay him that compliment the smiling countenance of my genial friend from New York [Mr. WADSWORTH], who will be with us but one minute more, rises before me.

Mr. PHIPPS rose.

Mr. HARRISON. I do not want that view to become eclipsed by the more-disturbed countenance of my friend the Senator from Colorado.

Mr. PHIPPS. Will the Senator yield to me? I want to request that a letter be printed in the Record.

Mr. HARRISON. I have beautiful thoughts and wonderful visions before me, when I contemplate the Senator from New York [Mr. WADSWORTH], a man who in this body has made a splendid record, has ingratiated himself into the hearts of his colleagues, has so conducted himself as to win the confidence of the country. How sad! What a pity that now in these last few hours he would take unto himself such companionship and so deport himself as to mar that record.

The VICE PRESIDENT rapped with his gavel.

Mr. HARRISON. Oh, it is a shame to spoil a good speech like this.

#### FINAL ADJOURNMENT

The VICE PRESIDENT. It is customary for the Vice President, at the beginning and ending of a session of Congress, to address the Senate upon an appropriate subject. The comments the Chair has to make on this occasion will be very brief.

The Chair regards the results of the present legislative session as primarily due to the defective rules of the Senate, under which a minority can prevent a majority from exercising their constitutional right of bringing measures to a vote. This is the only great parliamentary body in the world where such a situation exists.

On this the closing day of the second session of the Sixty-ninth Congress, the Chair commends to the Senate the remarks upon the Senate rules which he made on the first day of the first session of this Congress.

The hour of 12 o'clock having arrived, the Senate stands in adjournment sine die.

### HOUSE OF REPRESENTATIVES

FRIDAY, March 4, 1927

(Legislative day of Thursday, March 3, 1927)

The recess having expired, at 9 o'clock and 30 minutes a. m., the House was called to order by the Speaker.

RESOLUTION COMMENDING HON. C. A. NEWTON, OF MISSOURI

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a short resolution adopted by the Mississippi Valley Association with reference to the services of our distinguished colleague, Mr. Newton of Missouri, who voluntarily retired from the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record by printing a short resolution adopted by the Mississippi Valley Association with reference to the services of the gentleman from Missouri [Mr. NEWTON]. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

*Resolved*, That the Mississippi Valley Association herewith expresses the appreciation of the citizenship of the Mississippi Valley for the substantial, meritorious, and worthy work done in the past eight years for the cause of waterways by the Hon. CLEVELAND A. NEWTON, leader of the waterway forces in the House of Representatives, on the eve of his retirement as a Member of Congress. The individual record of Congressman Newton during his many years of service in public life it is hoped will remain as a perpetual monument to his ability, enthusiasm, and perseverance in prosecuting a cause which not only is of benefit to his immediate constituents but also to the vast population making up the citizenship of the entire Mississippi Valley territory.

*Resolved further*, That the Mississippi Valley Association expresses the hope that Congressman Newton in his new undertaking in the law firm of which he is a member will secure the same high degree of success he has achieved during his congressional career.

*Resolved further*, That a copy of this resolution be transmitted to Congressman Newton, the members of the Rivers and Harbors Committee, and the Congress of the United States.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I have been so outrageously, brutally, and inhumanly treated by the Western Union Telegraph Co. in relation to the reception of cables that I wish to call attention to some extension of remarks I shall incorporate in the Record on the subject in the hope that other people may not receive like treatment from that corporation.

Mr. BLANTON. Why not use the Postal?

Mr. TREADWAY. I will say to the gentleman that the Postal has treated me well and the Western Union rottenly.

Confirming the statement that I have just made to the effect that I have been outrageously, brutally, and inhumanly treated by the Western Union Telegraph Co. in connection with the delivery of cable messages, I beg to submit the following facts. I am doing this in the hope that in some way a correction of this evil can be brought about, either through such condemnation as I can visit upon the corporation or through official action or court procedure. Nothing can excuse or justify my experience, but I hope to be the means of preventing other parents or friends of travelers suffering as my wife and I did for several weeks through the carelessness, laziness, and incompetency of Western Union employees. I apologize for placing in the Record my personal affairs, but in doing so feel I am acting only as any public official should act under like circumstances. The facts are as follows:

My only son has been traveling through Egypt and Africa. He is very careful to send me a cable at least once each week as to his whereabouts and well-being. I have received probably 20 cables in the last few months from him. My last message from him previous to the experience of which I speak was dated in Khartum February 1, and was promptly delivered to me by the Postal Telegraph Co. Knowing my son was proceeding through the uncivilized section of Africa south of Khartum, I made allowance for one week's failure to receive a message on the score of inaccessibility of telegraph communication. This condition, however, continued for more than three weeks, and cables sent by me were reported undelivered from Rejaf, which is in the southern part of the Anglo-Egyptian Sudan. This only added to our nervousness and worry.

I finally appealed to the good offices of the State Department, and through the courtesy of Assistant Secretary Carr on Monday, February 28, received word that my son was in Nairobi, ahead of his schedule, and that he was well. Not receiving a message direct from my son that day, by chance I inquired the next morning of the Western Union Telegraph Co. if there was any undelivered message for me in their possession. Later in the day I received a letter from the office in Washington, and with it were a message received from my son that morning and one which had been received February 24, four days previous. A copy of this letter appears in my letter to the State Department appended hereunder.

I sent for the signer of the above-mentioned letter and expressed to him very freely and forcibly my opinion of the company he represented. He acknowledged to me that no effort was made to deliver the cable of February 24. The following day, March 2, I called up and asked if any other cables had failed of delivery, and was then given two other messages, one of which had been received here on February 9 and one on February 19.

It will thus be seen that three cables, all addressed to TREADWAY, Washington, D. C., were undelivered, and the excuse for nondelivery was the statement made in the manager's letter that the name TREADWAY had not been registered at the price of \$2.50. I informed the gentleman that I was the only TREADWAY in Washington in the telephone book and had received a great many messages during my term of service in Congress, so that there could be no excuse that I could not be found or was not known. I had been solicited to have my name registered, but was not informed that the Western Union would make no effort to deliver a message unless the name was registered.

On further inquiry I find that neither the Western Union Co. nor the United States Government is a signatory party to the International Telegraph and Cable Regulations, which regulations are cited as the excuse for nondelivery. An intentional deception and fraud is therefore apparent.

I wish further to call attention to the act of May 27, 1921, entitled "An act relating to the landing and operation of submarine cables in the United States." In section 2 a direct reference is made to service in the operation and use of the cables. If there had been other serious abuses of the license privilege as in my case an excellent ground could be made for withdrawal of the license permit. I have placed the entire matter before the State Department for their investigation, and append